

# 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)

STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
FISHERIES AND WILDLIFE  
BILL SUMMARY



JULY, 1985

Prepared by:

John Knox, Legislative Assistant  
Office of Legislative Assistants  
State House, Station 13      Augusta, Maine 04333  
(207) 289-1670



STATE LAW LIBRARY  
STATE HOUSE

HELEN T. GINDER, DIRECTOR  
HAVEN WHITESIDE, ASST. DIRECTOR  
GILBERT W. BREWER  
DAVID ELLIOTT  
MARTHA FREEMAN  
CHRISTOS GIANOPOULOS  
WILLIAM T. GLIDDEN, JR.

STATE OF MAINE  
OFFICE OF LEGISLATIVE ASSISTANTS  
ROOM 101  
STATE HOUSE, STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-2486

SARAH HOOKE  
JULIE S. JONES  
JOHN B. KNOX  
EDWARD POTTER  
MARGARET J. REINSCH  
LARS RYDELL  
JOHN SELSER  
ANDREA COLNES, RES. ASST.

ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD: 65 AN ACT CONCERNING ELIGIBILITY TO HUNT MOOSE

CALLAHAN  
MICHAUD  
USHER  
PUBLIC  
CH # 120

OTP-AM HOUSE Enacted  
SENATE Enacted  
GOV SIGNED

H-36 CA MAJ REP H S  
S-46 SA MCBREAIRTY

SUMMARY:

This bill requires any person who has obtained a moose hunting permit to wait 3 years before becoming eligible to apply for another permit. This limitation does not apply to subpermittees.

Committee Amendment A changes the prohibition from applying for a permit to obtaining a permit; reduces the number of years that a successful applicant must wait before he may apply for another moose hunting permit from 3 years to 2 years; sets January 1, 1986, as the date that the bill would become effective; and to add a fiscal note indicating the loss of revenue which will result from the bill.

Senate Amendment A extends the provisions for eligibility for permit holders to subpermittees as well.

LD: 68 AN ACT TO CLARIFY AND MAKE CORRECTIONS IN THE FISHERIES AND WILDLIFE LAWS

MATTHEWS Z  
CLARK H  
CONNERS  
DUFFY  
PUBLIC  
CH # 304

OTP-AM HOUSE Enacted  
SENATE Enacted  
GOV SIGNED

S-152 CA H S

SUMMARY:

Section 1 of this bill resolves a problem of statutory construction and makes it clear that the owner of any dog found running at large is subject to a civil penalty.

Section 2 places the definition of "domicile" in the fish and wildlife statutes in order to clear up interpretation problems involving residency.

Section 3. There are certain United States fish and wildlife officials other than special agents who are empowered to enforce federal fish and game laws in this State, such as refuge managers. These officers work very closely with state game wardens and sometimes encounter violations of state law while conducting their federal duties. This section makes it clear that these federal officials have authority to enforce state fish and wildlife laws.

Section 4 makes it clear that credit worthy businesses located outside the State would not necessarily be designated as agents for the purpose of selling nonresident hunting and fishing licenses as in the case in state businesses. The commissioner would still have authority to establish license agents outside the State in areas where a need exists.

Section 5. Resident hunting and fishing licenses are sometimes issued to nonresidents through no fault of the issuing agent and no proof of unlawful intent on the part of the license holder. This section makes it clear that resident licenses issued under those circumstances are not valid and must be returned upon request.

Sections 6, 9 and 11 make it clear that the department may charge the \$1 agent fee when licenses are issued by department employees. This change resolves an interpretation problem in existing statutes and ensures that license buyers spend the same amount of money to obtain a license regardless of where it is purchased.

Section 7 corrects the Revised Statutes, Title 12, section 7076, because the Association of Aroostook Indians no longer exists and Indians are now certified by either the Aroostook Micmac Council or the Central Maine Indian Association.

Section 8 corrects an error in the fisheries and wildlife laws resulting from a recodification of statutes involving mental health and mental retardation which occurred in 1983.

Section 10 makes it clear that the effective dates of the state duck hunting stamp coincide with those of the federal stamp.

Section 12 removes an inconsistency in the law pertaining to the licensing of guides and trip leaders. The commissioner has rule-making authority over the licensing of guides while the Junior Maine Guides and Trip Leaders' Board has rule-making authority over junior guides and trip leaders. This change would require that the commissioner adopt any necessary rules for the licensing of junior guides and trip leaders upon advisement by the Junior Maine Guides and Trip Leaders' Curriculum Board and with advice and consent of the Fish and Wildlife Advisory Council.

Section 13 makes it clear that orange-camouflage clothing does not satisfy the hunter orange clothing requirement which is in effect during the deer hunting season.

Section 14 removes an erroneous cross reference from the statute. The section number being removed deals with night hunting of coyotes and not with migratory waterfowl hunting.

Section 15 corrects a loophole in the law by making it clear that the owner of an ice fishing shack not removed from inland waters is in violation of law on the 4th day after those waters are closed to ice fishing.

Section 16 places the 6,000-acre Bull Hill Wildlife Management Area on the statutory list of state-owned wildlife management areas.

Section 17 repeals and replaces a section which was amended 3 different times with similar language during the Second Regular Session of the 11th Legislature. This new section incorporates the legislative intent of all 3 amendments into the original statute.

Sections 18 and 19 plug a loophole in the current statute which has allowed boat dealers to engage in the business of renting and leasing unregistered boats through misuse of their dealer numbers.

Section 20 rectifies 2 omissions in the original all-terrain vehicle law by requiring all-terrain vehicle owners to report lost or stolen number plates and by providing for replacement of plates which have become lost, stolen or destroyed.

Section 21 makes several clarifications concerning procedures for transferring ownership of all-terrain vehicles. All-terrain vehicle owners should be able to sell an all-terrain vehicle and retain the plate to put on a new all-terrain vehicle once the new machine has been registered at the reduced transfer fee. The changes contained in this section provide for transfer of all-terrain vehicle plates from one machine to another and eliminate the requirement that the plate remain with one machine as long as the machine is in use.

Sections 22 and 23 remove a section from the statute which was reenacted when it should have been reallocated during the special legislative session in September of 1984.

Section 24 gives the Department of Inland Fisheries and Wildlife the same authority previously provided to the Department of Conservation and the Baxter State Park Authority to transport sawlogs and pulpwood to the Province of Quebec if it is to the economic advantage of the State to do so. This transportation is generally prohibited by the reciprocity provisions of the Revised Statutes, Title 29, section 2709, since Quebec currently prohibits the transportation of sawlogs and pulpwood into Maine. There does not appear to be any reason why the Department of Inland Fisheries and Wildlife, a major state land managing agency, was originally omitted from the sections to be amended except through an oversight.

Committee Amendment A accomplishes the following:

1. Makes it clear that license agents must report license sales to the commissioner on a monthly basis and not simply forward the funds collected. It also eliminates the need for license agents to maintain and forward a list of the people who bought licenses and the types of license purchased since return of the department's copy of sold licenses is sufficient;
2. Repeals the statutory requirement that the department provide the Legislature the names of all paraplegics who receive complimentary hunting licenses;
3. Allows persons eligible for a complimentary license to obtain a supersport license for \$10;
4. Allows the department to charge an enrollment fee of up to \$10 to defray the cost of the recently established trapper education program. This was agreed to by the committee and was inadvertently omitted from the amendment to the bill;
5. Revises the list of state-owned wildlife areas because of additions and name changes;
6. Makes it clear that all ATV dealers must be licensed by the department. A fee will not be required of those previously licensed by other agencies; and
7. Adds an allocation section and a fiscal note to indicate the effect of the \$1 charge to be made when department employees sell a license.

LD: 77 AN ACT TO LIMIT THE HUNTING OF RACCOON CONNERS

LV-WD HOUSE Accepted Committee Report  
SENATE Accepted Committee Report  
GOV

SUMMARY:

The purpose of this bill is to prohibit the hunting of raccoon between midnight and 1/2 hour before sunrise. Currently, raccoons may be hunted at any time.