

MAINE STATE LEGISLATURE

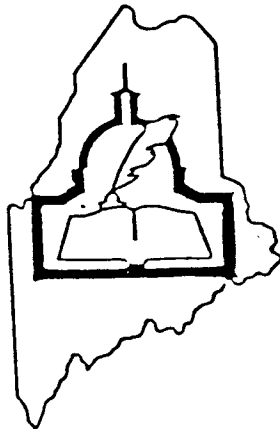
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
FISHERIES AND WILDLIFE
BILL SUMMARY



JULY, 1985

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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:

561

AN ACT TO MODIFY AND UPDATE CERTAIN LAWS
PERTAINING TO INLAND FISHERIES AND WILDLIFE

JACQUES
WALKER
DUFFY
USHER
PUBLIC
CH # 369

OTP-AM HOUSE Enacted
 SENATE Enacted
 GOV SIGNED

H-262 CA H S
H-330 CA JOSEPH H S

SUMMARY:

Section 1 redefines "fly fishing" to make it clear that multiple flies, or "dropper flies," are allowable. The new definition would also make it legal to fish with flies having copper or lead wire incorporated into their construction for sinking purposes, such as certain nymphs, ants and other imitations.

Section 2 provides for adoption and publication of open water and ice fishing regulations on a biennial basis. The change would start with the 1986 open water and ice fishing law books which would remain in effect throughout 2 fishing seasons with the next regulation changes scheduled for the 1988 fishing seasons.

Publication of fishing regulations on a 2 year basis would minimize frequent fishing regulation changes and would save the Department of Inland Fisheries and Wildlife approximately \$15,000 in printing and administrative costs during the 2-year period.

The commissioner would still have the authority to make emergency changes in the fishing regulations within the 2-year period if it became necessary.

Section 3 establishes a fee for permits to hunt coyotes at night. This fee is necessary to cover the administrative costs of issuing and printing permits. This section also extends the period for hunting coyotes at night by one month.

Section 4 eliminates certain restrictions which previously applied to night hunting for coyotes. The restrictions eliminated are those which (1) limited hunting to shotguns only, (2) limited hunting to areas of snow or ice cover and (3) prohibited hunting within 100 yards of any vehicle. These precautionary measures were found to be unnecessarily restrictive and probably contributed to the inability of hunters to take coyotes at night.

Section 5 changes the effective dates of wildlife exhibit permits from a calendar year to a fiscal year. The change was requested by the holders of wildlife exhibit permits, is consistent with recent changes involving other special licenses issued by the department and will have no impact on department revenues.

Sections 6 and 8 make several minor changes in the laws affecting possession and importation of captive wildlife. The changes, which clarify and update the statutes, were initiated by a group of Maine residents who are licensed to raise and exhibit wild birds and wild animals.

Section 7 establishes a more efficient reporting system for licensed wildlife breeders similar to that used by the United States Fish and Wildlife Service for waterfowl raised in captivity.

Section 9 allows for establishment of additional dog training areas. This change will provide dog owners with more opportunity to train dogs without adversely affecting wildlife resources.

This section also revises obsolete fee provisions associated with dog training areas. This change will have no effect on department revenues.

Section 10 provides for the purchase of bear galls by licensed hide dealers and requires that record be maintained of all transactions. This section also updates the statutes by removing obsolete language which accompanied a 1981 change in the effective dates of the hide dealer's license.

Section 11 makes it lawful to sell or advertise the sale of snares in Maine. Snares are legal in many states and it is unfair to prohibit Maine suppliers who deal through the mail from advertising their products. Likewise, distributors of trapping equipment located outside the State are technically in violation of current law every time one of their catalogs comes across the state line.

Section 12 allows the use of live traps, with landowner permission, within 1/2 mile of a city or village. This will allow for removal of nuisance animals, such as racoons, from urban areas without any threat to house pets.

Sections 13, 15 and 16 provide for the sale of certain parts of bear, deer and moose which have commercial value and which could be sold without any adverse impact on these resources.

Section 14 repeals the provision which makes it unlawful for nonresidents to trap for beaver in this State. Properly licensed nonresident trappers may currently trap all other legal species in season.

Current law allows for destruction of wild animals, except beaver, which are found to be damaging personal property. Section 17 eliminates the exception for beaver and allows a private citizen to remove problem beaver under the same reporting procedures required for other destructive wildlife.

Under section 18 the requirement that ice fishing lines must be kept under immediate supervision by the person fishing with them has created considerable confusion among fishermen and law enforcement officers. The purpose of this section, therefore, is to define the meaning of the term "immediate supervision" as it applies to ice fishing.

Section 19 provides for the use of gill nets by agents of the State in carrying out their official duties. The use of gill nets by agents of the State was taken away through legislative action in 1980. Since that time, fishing biologists have been unable to effectively evaluate stocking results, complete biological inventories of inland waters or make conclusive assessments of the impact of environmental problems.

Section 20 resolves an interpretation problem in the statutes and clearly allows the sale of fish skins which have been preserved through taxidermy for display purposes.

Current law authorizes the commissioner to designate agents to register "all terrain vehicles;" however, there is no provision for the agent to be compensated for this service.

Section 21 provides for agents to charge and retain a fee of \$1 for each registration issued, which is consistent with fees established for agents who issue hunting and fishing licenses.

Committee Amendment A accomplishes the following:

1. Defines a resident as someone who has lived in the State, not someone who is domiciled there. This brings this section into line with the new definition of domicile.
2. Requires that serviceman be domiciled in Maine, but not a resident in Maine to qualify for a reduced rate on the combined license. In the current law, this reduction is given to servicemen who are Maine residents;
3. Eliminates the position of Assistant to the Commissioner;
4. Reduces the coyote permit fee of the bill from \$5 to \$2;
5. Requires fencing for wildlife to be raised on islands. Fencing is currently required for wildlife raised in non-island situations;
6. Increases taxidermist license fees;
7. Requires that nonresidents employ a guide in order to hunt with dogs;
8. Lengthens the season for hunting partridge in the southern part of the State;

9. Eliminates the provision of the bill which would have allowed nonresidents to trap beaver;
10. Eliminates the provision of the bill which would have allowed destruction of beavers which damage personal property;
11. Eliminates the provision of the bill which would have allowed state agents to use gill nets.
12. Eliminates the provision of the bill which requires that agencies charge a fee for registering ATV's. This is to be dealt with in a bill specifically concerned with ATV's;
13. Prohibits operation of ATV's on beaches without the owner's permission and on salt marshes and sand dunes;
14. Reduces to 100 yards the distance that ATV's may operate on a public right of way; and
15. Adds a fiscal note concerning the increase in revenues of \$14,800 due to the coyote permit fees, \$1,800, and the elimination of reduced license fees for some servicemen, \$13,000.

House Amendment A eliminates the change in the definition of the word "resident." It leaves that term in the section dealing with special license fees for members of the Armed Forces, but adds the provision that they be permanently stationed outside the State. It is the intent of this amendment that the definition of the term "resident," insofar as it applies to drivers' licenses, not be strictly enforced as a condition of being considered a resident as it pertains to this subsection.

LD: 604 AN ACT TO LIMIT ICE FISHING IN CLASS B WATERS JACQUES
 TO THE PERIOD JANUARY 15TH TO MARCH 14TH

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

SUMMARY:

This bill prohibits ice fishing in Class B waters except for the period January 15th to March 14th.

Class B waters are waters managed for cold water game fish. The season is currently set by department rules which were promulgated in response to a resolve passed in 1977 which grouped inland water into 4 classes and set the season for each class. The current season for Class B waters is January 1st to March 31st.