MAINE STATE LEGISLATURE

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STATE OF MAINE 113TH LEGISLATURE SECOND REGULAR SESSION



BILL SUMMARY JOINT STANDING COMMITTEE ON FISHERIES AND WILDLIFE

MAY 1988

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ONE HUNDRED AND THIRTEENTH LEGISLATURE FIRST & SECOND SPECIAL SESSIONS SECOND REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1988

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

allocates the entire amount (\$160,000 annually) in the State account. Thus, LD 2460 makes the changes necessary for the department to take full advantage of the funds which have already been transferred from the Department of Conservation for acquisition and development of motorboat access.

LD An Act Pertaining to Free Hunting Licenses For Residents LV/WD 2471 Over 70 Years of Age Who Have Had Military Service

SPONSOR(S)

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SMITH

WALKER DUFFY JACKSON

SUMMARY

The State of Maine currently has in place a mandatory hunter safety training requirement. It was enacted by the Legislature to make hunting not only safer through firearm training but also to provide important instruction in subjects such as survival, first aid, and hunter conduct. Instructions are also given in wildlife laws and regulations.

This bill proposed to exempt residents over 70 years of age from the hunter safety course requirement if they have had prior military service, since these people get firearm training as part of their service requirement.

LD An Act to Amend the Endangered Species Act 2567

PUBLIC

800

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MCGOWAN

H-528 JACQUES

USHER CLARK H JACQUES

SUMMARY

ND Maj Rpt of 2164

The original bill would have permitted the Attorney General to bring injunctive proceedings to prevent the harm, misuse or harassment of endangered species and in emergencies where species of animals or plants in the State are in serious jeopardy, would have required the Commissioner of Inland Fisheries and Wildlife to request that an injunctive proceeding be initiated. This parallels the general injunctive authority of the Attorney General to enforce laws administered by the Department of Environmental Protection.

The bill also proposed a new enforcement mechanism to permit citizen injunctive proceedings, provided that a 60 day notice was given and the State itself was not taking action.

At the public hearing, an amendment was offered to require the department to identify essential habitat for endangered species and to develop protection

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guidelines if necessary. The amendment also proposed a section to ensure that the State and local land use permits do not adversely affect endangered species habitat.

The committee issued a divided report. LD 2568, the minority report, would have included only the section to allow the Attorney General to bring injunctive proceedings to prevent the harm, misuse, export, possession, sale or harassment of endangered species.

The majority report which was accepted (LD 2567) has four major components:

- 1. Allows the commissioner to designate essential habitat for the preservation of the species and establish management guidelines for this habitat;
- 2. Prohibits state agencies and local governments from permitting projects that will significantly alter these areas;
- 3. Establishes a variance procedure for state and local governments; and
- 4. Establishes the ability of the Attorney General to file an injunction to stop projects that violate these laws. This section allows the Attorney General to initiate action under more circumstances in support of the Endangered Species Act.

The House Amendment (H-528) replaced subsection 2 of the majority report to limit areas to be protected under this Act to those that currently or historically hosted endangered species.

A Senate amendment (S-364) which was not adopted would have deleted the provision for state and local government to review permits for potential violations.

An Act to Amend the Endangered Species Act 2568

NOT ACCEPTED

SPONSOR(S)

REPORT COMMITTEE

AMENDMENTS ADOPTED

MCGOWAN USHER CLARK H **JACQUES**

SUMMARY

ND Min Rpt of 2164

See Majority Report, LD 2567.

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Fish and Wildlife