

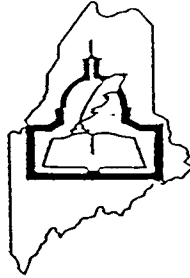
MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
FISHERIES AND WILDLIFE

JULY 1989

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* Denotes Chair

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

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 for 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 abbreviated 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 Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

SPONSOR(S)

GRAHAM

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTEDSUMMARY

This bill would have automatically provided an antlerless deer permit for persons eligible to receive a complimentary hunting license due to age or disability.

LD 1239 An Act to Amend and Update Laws Pertaining to Inland
Fisheries and Wildlife

PUBLIC 493
EMERGENCY

SPONSOR(S)

JACQUES
GREENLAW
ERWIN E
FARREN

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-615
H-626 JACQUES
S-385 TWITCHELL

SUMMARY

This bill, known as the fish and wildlife omnibus bill, makes the following changes in the fish and wildlife laws:

1. corrects references and other technical errors;
2. makes it clear that game wardens have authority to stop and examine all-terrain vehicles to ensure that the operator is in compliance with operation, registration and safety training requirements;
3. removes the word "paraplegia" from state law, authorizing complimentary licenses to resolve a conflict of meaning;
4. makes it clear that only muzzle-loading firearms may be used to hunt deer during the special muzzle-loading season;
5. establishes a permit fee of \$35 for all one-day bass tournaments regardless of the number of participants;
6. reestablishes a prohibition on rearing white-tailed deer in captivity by virtue of a breeder's license which was inappropriately repealed last year in a bill which legalized the sale of meat from fallow deer. It also prohibits licensed breeders from engaging in the business of breeding or rearing bear and moose and thereby resolves a conflict with other laws which prohibit the sale of meat from these animals;
7. establishes uniform expiration dates for guides licenses, makes the expiration date consistent with other licenses issued by the department and allows for a single annual mailing of computerized renewal forms;
8. makes it clear that rangers of the Bureau of Parks and Recreation have authority to enforce the section of law which regulates trips conducted by licensed boys and girls camps;
9. changes the opening date for using dogs in conjunction with bear hunting to make it consistent with the opening date for taking bear by other legal methods;

10. establishes a "prohibited act" for failure to comply with the laws governing the placement of bear bait;
11. makes it clear that it is unlawful for a hunter to register a bear not killed by hunting;
12. removes a provision that legally registered bear must be transported open to view;
13. repeals a provision that archery-killed deer must be inspected by a warden prior to registration;
14. removes a provision that legally registered deer and moose must be transported open to view;
15. makes it clear that the Commissioner of Inland Fisheries and Wildlife has authority through the rule-making process to restrict the number of lines which a person may use in fishing through the ice;
16. prohibits placement of ice fishing shacks on inland waters more than 3 days before the opening of the ice fishing season and resolves enforcement and safety problems associated with earlier placement of these structures on ice-covered bodies of water;
17. eliminates a provision which allows for the sale of pickerel in Washington County. The sale of pickerel is currently prohibited in all other counties;
18. makes it clear that the commissioner has authority to acquire land for the purpose of public access to inland and coastal waters;
19. establishes procedures for the issuance of registrations for watercraft, all-terrain vehicles and snowmobiles by municipalities and boat dealers;
20. changes the fee on watercraft validation stickers from 25¢ each to \$1 per set;
21. makes it clear that the certificate of number issued to a boat dealer is valid for one calendar year;
22. increases from 10 to 20 the number of days during which a temporary boat registration is valid to ensure that the new owner has sufficient time to obtain a permanent registration. The fee for a temporary boat registration is also increased from 50¢ to \$1 to make it consistent with temporary registration fees associated with snowmobiles and all-terrain vehicles;
23. creates procedural changes involving the licensing of snowmobile dealers and the issuance of snowmobile dealer's number plates. Currently a dealer pays a registration fee of \$25 and receives 2 dealer plates. The change provides for a \$15 registration fee and a fee of \$5 for each dealer plate obtained;
24. removes all reference to number plates from the all terrain-vehicle law and provide the opportunity for large numbered decals to be used in place of number plates for identification purposes and to verify registration;
25. increases from \$10 to \$15 the license fee for ATV dealers. This change will result in consistent license fees for persons who deal in boats, snowmobiles and all-terrain vehicles;
26. makes it clear that people between the ages of 12 and 15 must be accompanied by an adult while crossing public ways with an ATV even if they have satisfactorily completed an ATV training course;

27. makes it lawful for a person to use a shotgun loaded with blank ammunition during field trials and dog training exercises;
28. changes the trap tending laws to require daily tending of traps set in the unorganized areas of the State, except killer-type traps and water sets. Killer-type traps and water sets in unorganized towns would require tending at least once in every three calendar days. Trap tending requirements in the organized towns would be unaffected by this change. It also redefines water-set traps;
29. amends the requirements for nonresident bear hunters who utilize dogs by deleting the requirements for hunting "in the presence of a resident Maine guide", but limiting the number of nonresidents who may hunt "with a resident Maine guide" at one time to 3. It also exempts nonresidents who hold a valid Maine guide license from this requirement;
30. requires the commissioner of Inland Fisheries and Wildlife to have an understanding of and support for modern wildlife and fisheries management and to have experience in hunting, fishing or trapping;
31. P.L. 1989, ch. 170, repealed an unconstitutional provision concerning stopping and searching vehicles by game wardens. The intent was not to prohibit those searches, but only to repeal the unconstitutional provision. In order to avoid the possible interpretation that repealing that section was meant to repeal the authority of game wardens to stop and search vehicles, this amendment reenacts that law, but amends it to make it consistent with the United States Constitution and the Constitution of Maine;
32. makes it clear that Baxter Park rangers have authority to enforce the State's fish and wildlife laws;
33. creates a special license to allow an individual who suffers from loss of both arms above the elbow to hunt for deer with an unconventional weapon;
34. eliminates the nonresident trapping license;
35. requires that persons who are over 10 years of age and under 16 years of age who hold a junior trapping license be accompanied at all times while trapping by an adult, unless that person has successfully completed a trapper education course;
36. makes it clear that residents may exchange a one-day or 3-day fishing license for either an annual fishing license or a combination hunting and fishing license. This exchange provision currently applies only to annual resident fishing licenses;
37. makes it clear that in taking smelts for resale from waters which are opened to smelting by the general public, a licensed smelt dealer must comply with the same bag limit and tackle restrictions as apply to those who take smelts by virtue of a regular fishing license;
38. amends the whitewater rafting law to redefine an outfitter, change the allocation period from 3 years to 5 years, and require a review at the end of the 3 year period for consistency between actual passenger level and level of allocation;
39. makes it clear that bear hunters staying at a hunting camp in unorganized territory may keep an unregistered bear at that location for up to 7 days or until they leave the woods. This change is consistent with existing provisions involving registration of deer;
40. allows moose permit holders to designate a primary and an alternate subpermittee at the time the permit is obtained;

41. repeals a provision in the law which requires that the owner of blueberry land obtain written approval prior to protecting blueberries from damage by deer. Removal of this section makes it clear that the protection of blueberry lands from damage by wild animals is consistent with the protection afforded to orchards and other growing crops, except grasses and grain fields;
42. repeals the sunset provision on departmental use of gill nets and requires an annual report on that use;
43. includes provisions adapted from the study by the Department of Conservation and the Department of Inland Fisheries and Wildlife of the current ATV statutes, as required by the 113th Legislature, to reduce the age below which training is required to operate an ATV from 18 to 16 to be consistent with motor vehicle laws; establishes a minimum age of 10 for the operation of ATVs, which is consistent with the hunting laws; requires that new ATVs sold after January 1, 1991 have a 3 1/2" X 6" space for the display of registration numbers; makes the operation of an ATV by a person under 10 unlawful and makes it unlawful to permit the operation of an ATV by a person under 10; requires that new ATVs sold in Maine after January 1, 1991 have working brake lights; and makes it unlawful to operate an ATV on a marine sand beach;
44. removes a provision which requires the Department of Inland Fisheries and Wildlife to reimburse the appropriate county for costs associated with imprisonment of persons convicted of fish and wildlife related violations; and
45. changes the effective date of Public Law 1989, chapter 52, concerning complimentary licenses for those who reach age 70 (LD 400) to avoid making those changes in the middle of a calendar year.

**LD 1284 An Act to Increase the Penalties for Selling Wild Birds or
Animals and Make Them Uniform**

PUBLIC 252

SPONSOR(S)

ROTONDI
SMITH
JACQUES
ERWIN E

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-252

SUMMARY

This bill standardizes the penalties for illegally buying or selling wild birds and wild animals.

The committee amendment makes it clear that the sale of plumage from lawfully taken birds is not illegal and retains the current penalties for illegally selling fish, but raises the additional fine for illegal possession of fish from \$5 per fish to \$20 per fish.