

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
FISHERIES AND WILDLIFE**

**AUGUST 1991**

***Staff:***

*Jon Clark, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207) 289-1670*

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STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

**LD 1639      An Act to Provide Antlerless Deer Permits to Persons Who Are Disabled Who Hold Valid Hunting Licenses      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TRACY KILKELLY JACQUES MATTHEWS	ONTP	

**SUMMARY**

This bill proposed to allow any person who is disabled and who holds a valid hunting license to obtain an antlerless deer permit on request.

**LD 1666      An Act to Amend the Laws Concerning Hunting on Private Property      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONSTANTINE CATHCART LEBOWITZ	ONTP	

**SUMMARY**

This bill proposed to prohibit any person from hunting on another's land without written permission of the landowner unless the property is owned by the State and open to hunting or is posted as open to hunting. This provision would not have applied to hunting in the unorganized territories. Municipalities would have been encouraged to make available maps showing areas open to hunting.

**LD 1784      An Act to Amend Certain Provisions of the Inland Fisheries and Wildlife Laws      PUBLIC 443**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ROTONDI SUMMERS MATTHEWS CARROLL J	OTP-AM	H-558

**SUMMARY**

This bill, known as the Department of Inland Fisheries and Wildlife omnibus legislation, makes the following changes of law:

1. Adds the American eel to the statutory list of fish defined as "baitfish," making it clear that live American eels may legally be used, possessed and sold as bait for purposes of fishing;
2. Eliminates snowmobile, watercraft and all-terrain vehicle violations from being considered as part of a person's record in determining whether the person falls within the definition of an habitual violator of the fisheries and wildlife laws;
3. Current laws give the Commissioner of Inland Fisheries and Wildlife responsibility for all inland fisheries and wildlife management in the State. The new language makes it clear that inland fisheries and wildlife related investigations conducted on behalf of the State, as well as the dissemination of information related to these investigations, fall within the purview of the commissioner's responsibility;

4. Makes it clear that disabled veterans with 100% disability are entitled to complimentary muzzle-loading hunting licenses;
5. Makes it clear that there are some open seasons, such as the special muzzle-loading season on deer, when bow and arrow hunting is not allowed;
6. Makes it clear that a person who hunts any species of animal or bird with bow and arrow during the special archery season on deer must have a valid archery hunting license;
7. Makes it clear that first time archers who have previously held an adult hunting license that allowed bow and arrow hunting are exempt from mandatory archery hunter education requirements;
8. Repeals and replaces a section of the law pertaining to the practice of falconry. The major change from existing law is the provision that nonresident falconers may hunt with their birds in Maine for up to 30 days provided they possess a valid falconry permit from another state and a valid nonresident Maine hunting license;
9. Repeals the sunset provision in the law requiring a permit for the hunting of bear from September 1st to the day preceding the open firearm season on deer. (The bear season extends to November 30th; the deer season begins on the 5th Monday preceding Thanksgiving.) This will permit the Department of Inland Fisheries and Wildlife to continue to monitor bear hunting pressure during the portion of the hunting season in which a majority of bear are usually taken and in which hunting pressure has been on the increase. It will allow the department to determine the need for more restrictive regulations;
10. Establishes a uniform fee of \$20 for permits to conduct either a one-day bass tournament or a fishing derby;
11. Repeals and replaces language pertaining to the revocation of guide licenses. The new language provides greater flexibility for the commissioner and the Administrative Court to revoke the licenses of guides who are no longer qualified or competent to perform guiding services;
12. Makes it clear that the privilege of hunting without a license on a person's own land includes hunting with the appropriate implement during both the special archery and muzzle-loading seasons on deer;
13. Amends the night hunting law to allow the hunting of coyotes at night;
14. Repeals a provision prohibiting advanced preparation for beaver trapping; this provision is currently duplicated by department rule. This will permit the department to relax this provision when the department feels it is appropriate;
15. Makes it clear that law enforcement officers other than game wardens have authority to investigate motor vehicle accidents involving collisions with deer, moose and bear;
16. Removes obsolete language pertaining to bass fishing seasons which should have been removed in 1979 when a companion section was repealed;
17. Removes language pertaining to the season and method of fishing for black bass in waters where the bag limit on bass has been removed by rules of the commissioner; and
18. Updates the list of state-owned wildlife management areas to include the most recent acquisitions.

This bill would have added Rock Doves to those species of bird which may be hunted or possessed at any time by any means.

The committee amendment (H-558) adds new sections that:

1. Correct, by deletion, a reference in the bill to pheasant hunting permits because the pheasant permit program has been abolished. (See LD 570.)
2. Exclude from the definition of "bear bait" packaging materials that fall within the definition of litter under the Maine Revised Statutes, Title 17, section 2263. This section clarifies that bear baiting laws do not allow the use of packaging materials that constitute litter as bait;
3. Provide definitions of the following fishing terms: "artificial lures," "hook," "set line," "single-baited hook" and "troll";
4. Change the eligibility requirement for a muzzle-loading hunting license from 16 years of age or older to 14 years of age or older;
5. Change current law regarding East Grand Lake Dam in Forest City Township and Spednic Lake Dam in Vanceboro to what it was prior to 1988. Under this amendment, fishing is prohibited within 75 feet of the mouths of the fishways rather than within 75 feet of any portion of the fishways. Under this language, it will again be legal to fish immediately above these dams;
6. Eliminate the provision in the bill that allowed the taking and possession of rock doves at any time of year. New language is added that allows the Department of Inland Fisheries and Wildlife to issue permits to use rock doves in the training of sporting dogs;
7. Exempt operators of watercraft used in association with boys and girls camps from the provisions of Title 12, section 7799, which require operators of motorboats who carry passengers for hire to obtain an operator's license;
8. Clarify the definition of the crime of hunting under the influence so that it includes hunting while having 0.08% or more by weight of alcohol in the blood. This provision creates a duty for any person who hunts to submit to a blood-alcohol test if there is probable cause to believe the person is hunting under the influence. These provisions parallel existing law regarding the operation of watercraft under the influence;
9. Clarify the definition of the crime of operating a snowmobile under the influence so that it includes operating while having 0.08% or more by weight of alcohol in the blood. This provision creates a duty for any person who operates a snowmobile to submit to a blood-alcohol test if there is probable cause to believe the person is operating the snowmobile under the influence. These provisions parallel existing law on the operation of watercraft under the influence;
10. Clarify the definition of the crime of operating an ATV under the influence so that it includes operating while having 0.08% or more by weight of alcohol in the blood. This creates a duty for any person who operates an ATV to submit to a blood-alcohol test if there is probable cause to believe the person is operating the ATV under the influence. These provisions parallel existing law on the operation of watercraft under the influence;
11. Amend Title 12, section 7901, subsection 14 so that the current penalty that applies to any person who fails to submit to a required blood-alcohol test with regard to operating a watercraft under the influence also applies to persons who fail to submit to a required blood-alcohol test with regard to operating a snowmobile or ATV or hunting wild birds or animals under the influence. The penalty is a forfeiture of up to \$500; and
12. Amend Title 12, section 7912 so that the tests and procedures that currently apply to persons suspected of operating a watercraft under the influence apply to persons suspected of operating a snowmobile or ATV or hunting wild birds or animals under the influence.