

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
FISHERIES AND WILDLIFE

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

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15. It prohibits the taking of fish (other than suckers) by snagging.
16. It enacts a new section prohibiting an ATV operator from carrying a passenger under 18 years of age who is not wearing protective headgear.
17. It exempts ATVs with engine sizes of 90 cubic centimeters or less from a requirement that ATVs manufactured or sold in Maine be equipped with working headlights, taillights and brake lights. It also prohibits operation of these ATVs at night. The purpose of this exemption is to recognize a federal consent decree that provides that ATVs with engine sizes of 90 cubic centimeters or less must be manufactured without lighting to discourage their use at night. ATVs of this size are primarily used by children.
18. It allows the department and the Atlantic Sea Run Salmon Commission to convey any interest the State has in the Denil Fishway in the Milford Dam on the Penobscot River to the Bangor Hydro-Electric Company.
19. It corrects an error created by 2 public laws that amended a section of law addressing the commercial whitewater license fee.
20. It corrects a conflict in the statutes. The Maine Revised Statutes, Title 12, section 7365 requires fees from commercial whitewater licenses to be credited to the Whitewater Rafting Fund. However, Title 12, section 7370, which creates the Whitewater Rafting Fund, forbids fees from the commercial whitewater licenses from being credited to the Whitewater Rafting Fund. This amendment corrects the conflict by removing language from Title 12, section 7365 requiring fees from the commercial whitewater licenses be credited to the Whitewater Rafting Fund.
21. It removes cusk and hornpout from the species that may be fished or possessed by means of eel pots, traps, spears or nets in inland waters under permits issued by the commissioner.

It also adds a fiscal note to the bill.

The Senate amendment (S-380) replaces the fiscal note to correct an error.

LD 737 An Act to Increase the Number of Moose Permits ONTP

SPONSOR(S) CLARK	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

This bill proposed to increase the number of moose hunting permits that may be issued from 1,000 to 1,500. (See LD 1025)

LD 772 An Act to Provide for an Open Season on Most Inland Fisheries in the State PUBLIC 155

SPONSOR(S) GREENLAW	COMMITTEE REPORT OTP-AM MAJ ONTP MIN	AMENDMENTS ADOPTED H-199
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SUMMARY

This bill proposed to establish a continuous open season on the taking of most inland fish.

The committee amendment (H-199) requires the commissioner of Inland Fisheries and Wildlife to adopt rules extending the open water fishing season through November for certain waters of the State.

LD 798 An Act Regarding the Baiting of Animals PUBLIC 156

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
HALL	OTP-AM	MAJ	S-87
	ONTP	MIN	

SUMMARY

This bill proposed to make it illegal to place bait for wild birds or wild animals to attract them to a hunting location during the open hunting season on a wild bird or wild animal.

The committee amendment (S-87) prohibits a person from enticing deer with food during any open deer season. The amendment also prohibits any person from hunting from an observation stand or blind overlooking food that is attractive to deer except that this prohibition does not apply to hunting from a blind or stand overlooking standing crops, food left by agricultural activities, food left by natural occurrence or bear bait placed in accordance with existing laws.

LD 829 An Act to Restrict the Harvesting of Smelts ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BAILEY H	ONTP	

SUMMARY

This bill proposed to limit commercial harvesting of smelt to the use of a hook and line only. Currently, smelts may be harvested with a dip net, baitfish trap, drop net, lift net or bag net.

LD 850 An Act to Amend the Allocation System for Commercial Whitewater Outfitters ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CARROLL	ONTP	

SUMMARY

This bill proposed to establish a minimum allocation award to all outfitters who have carried 150 or more passengers per year in at least 3 of the 5 years preceding an allocation period.

The bill also proposed to reduce the allocation period by eliminating the requirement for allocations before July 8th.

LD 853 An Act to Amend the Maine Hunting Laws to Prohibit Discharges of Firearms across Paved Ways PUBLIC 212

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
BUTLAND	OTP-AM	MAJ	S-120
	ONTP	MIN	