

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
FISHERIES AND WILDLIFE

MAY 1994

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

**LD 1756      An Act to Authorize a Department of Inland Fisheries and  
Wildlife Bond Issue of \$10,000,000 for Fish Hatcheries**

P & S 90

**SPONSOR(S)**  
ROTONDI

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-1037 KILKELLY  
H-962

**SUMMARY**

This bill was referred to the Appropriations Committee. The Fisheries and Wildlife Committee, however, discussed the bill and supported approval of the bill by the Appropriations Committee. Since the bill is directly related to matters within the jurisdiction of the Fisheries and Wildlife Committee, it is included here.

This bill authorizes, subject to approval in a Statewide referendum, the issuance of bonds in the amount of \$10,000,000, the proceeds of which will be used by the Department of Inland Fisheries and Wildlife to repair fish hatcheries.

COMMITTEE AMENDMENT "A" (reported by the Appropriations Committee) (H-962) clarifies that the bond issue must be used only for the purposes of improving and expanding fish hatcheries. The amendment decreases the length of the bond authorization from 10 years to 5 years. The amendment proposed to change the date of the bond issue referendum from the November 1994 general election to the June 1994 primary election. The amendment also adds a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-1037) changes the referendum date back to November 1994 and adds a new fiscal note.

**LD 1801      An Act to Revise Certain Fish and Wildlife Laws**

PUBLIC 574  
EMERGENCY

**SPONSOR(S)**  
HEINO

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-804

**SUMMARY**

The bill does the following.

1. Makes minor changes in the list of fish species that are classified as baitfish. The changes correct names of certain species and adds a species of shiner.
2. Provides that the deputy commissioner serves as commissioner in the commissioner's absence or if the office of the commissioner becomes vacant. It also permits the commissioner to appoint an administrative officer to perform functions of the commissioner in the event that both the commissioner and deputy commissioner are disabled or absent.
3. Authorizes the sale of commercial advertising in abstracts of the laws published by the Department of Inland Fisheries and Wildlife and issued to agents of the department for public distribution. Proceeds from the sales of advertising provide funds for the landowner relations program.
4. Adds pheasant hunting permits to the list of complimentary licenses that are available to residents over 70 years of age.
5. Updates references to fees for multi-year falconry licenses to reflect fee increases enacted in 1993.

6. Permits commercial shooting areas to be operated at any time during the year, including Sundays, for the hunting of mallard ducks, pheasants, quail and Chukar partridge. The bill specifies that other species of wild birds and wild animals can only be hunted in commercial shooting areas pursuant to regular hunting licenses during the general hunting season on those species and in accordance with all other applicable laws and rules.
7. Provides that a person must possess a valid license to hunt big game with firearms in order to be eligible for a muzzle-loading license.
8. Provides that persons who have lost the use of both arms may receive a permit to hunt deer with an unconventional weapon. Eligibility is contingent upon verification from a medical doctor that the applicant has lost the use of both arms to the extent that it would be medically impossible for that person to utilize a conventional weapon.
9. Provides that a permit for the possession, propagation and sale of wild birds and wild animals is valid for a 2-year period.
10. Provides that the antlerless deer permit system may include provisions to recognize landowners for keeping their land open to public hunting.
11. Permits the commissioner to modify the legal hunting time for wild turkeys through the rule-making process.
12. Provides that an agent of the Department of Inland Fisheries and Wildlife may, under the commissioner's direction, take nuisance beaver at any time.
13. Provides that rock doves may be controlled under existing crop damage laws.
14. Provides that nonresident snowmobile owners who satisfy the reciprocity provisions of state snowmobile laws may legally allow other people to operate their machines in this State.

This bill proposed:

1. To provide that a hunter under 16 years of age could hunt with firearms only if in the presence of an adult who had met the hunter safety requirements for obtaining a license to hunt with firearms.
2. To require that persons licensed to deal in live smelts and baitfish make these fish available for inspection by any department employee.
3. To make it unlawful for any person to buy live smelts from anyone other than a licensed bait dealer. Conviction would have resulted in mandatory 1-year revocation of any licenses held by the person convicted to deal in live bait.
4. To provide that the funds remaining at the end of the fiscal year in each of the department's nonlapsing General Fund accounts be carried forward in a single nonlapsing General Fund account to be reallocated to the department as needed.

COMMITTEE AMENDMENT "A" (H-804) makes a number of drafting changes to the bill for purposes of clarification. The amendment makes the following substantive changes:

1. Allows the Commissioner of Inland Fisheries and Wildlife to permit certain groups of resident students to fish without licenses for periods of up to 3 days if the fishing is conducted in the context of an educational program;

2. Strikes the portion of the bill requiring those who accompany young persons while hunting to meet certain hunting safety requirements;
3. Amends the provision of the bill proposing to require that persons licensed to deal in live smelts and baitfish make these fish available for inspection by any employee of the Department of Inland Fisheries and Wildlife. Under the amendment, the fish must be made available for inspection by wardens.
4. Permits the commissioner to establish by rule the length of the special muzzle-loading deer hunting season in 1995 and 1996, provided that the season may be no longer than 12 days in any part of the State;
5. Permits persons holding a valid trapping license to carry any legal firearm during the open trapping season for purposes of dispatching trapped animals. Current law permits only a .22 caliber firearm to be carried;
6. Requires that an applicant for a permit to import wildlife pay a \$25 application fee to cover the costs of processing the application;
7. Extends the period during which allocations are not required on the Penobscot River on Sundays. The commissioner is required to report on use of the Penobscot River during this extended period;
8. Amends the provision of the bill prohibiting the purchasing of smelts from persons not licensed to sell smelts. Under this amendment, the prohibition applies only to licensed bait dealers who purchase smelts from others who are not licensed to sell smelts;
9. Requires that persons who apply for moose permits designate at the time of application the name of the person whom the applicant authorizes as a subpermittee and the name of one alternate. This is designed to ensure that subpermittee rights are not sold after permits are issued;
10. Repeals language specifically authorizing agents of the department to trap beaver without consent of landowners;
11. Ensures that departmental funds that lapse at the end of the year are reappropriated to the department in accordance with the requirements of the Maine Constitution; and
12. Adds a fiscal note.

**LD 1829      An Act Authorizing the Commissioner of Inland Fisheries  
and Wildlife to Award 5 Moose Hunting Permits  
through Public Auction to Fund Youth Conservation Education  
Programs**

**PUBLIC 577**

**SPONSOR(S)**

HALL

**COMMITTEE REPORT**

OTP-AM

MAJ

ONTP

MIN

**AMENDMENTS ADOPTED**

S-437

**SUMMARY**

This bill authorizes the Commissioner of Inland Fisheries and Wildlife to sell 5 moose hunting permits through public auction. Proceeds of the auction are required to be used for youth conservation education programs.