

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

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

JUNE 1996

MEMBERS:

Sen. Stephen E. Hall, Chair

Sen. R. Leo Kieffer

Sen. Michael H. Michaud

Rep. Ernest C. Greenlaw, Chair

Rep. Paul F. Jacques

Rep. Herbert E. Clark

Rep. Norman R. Paul

Rep. Jon M. Rosebush

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Rep. Howard A. Chick

Rep. Royce W. Perkins

Rep. John Underwood

Staff:

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

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

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 384 **Resolve, to Install Fish Screens in the West Grand Lake Dam** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY	ONTP	

LD 384 proposed to require that the Department of Inland Fisheries and Wildlife install a fish screen in the West Grand Lake Dam.

LD 572 **An Act to Transfer Regulatory Control of Whitewater Rafting to the Department of Conservation's Bureau of Parks and Recreation** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTONDI	ONTP	

LD 572 proposed to transfer from the Department of Inland Fisheries and Wildlife to the Department of Conservation all regulation of commercial whitewater rafting, except for the licensing of whitewater guides.

LD 904 **An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs** PUBLIC 679
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'DEA	OTP-AM MAJ OTP-AM MIN	S-477

LD 904 was originally referred to the Joint Standing Committee on Criminal Justice during the First Regular Session of the 117th, but was re-referred to the Joint Standing Committee on Inland Fisheries and Wildlife and carried over by that Committee for further consideration in the Second Regular Session.

LD 904 proposed to change the classification of crimes committed while hunting under the influence of alcohol or drugs and operating watercrafts, snowmobiles and ATV's under the influence of alcohol and drugs from Class E to Class D crimes and increase the types of drug and alcohol testing that may be used.

Committee Amendment "A" (S-477) is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment proposed to replace the bill and make the bill an emergency.

The amendment proposed to increase from Class E to Class D the crimes of hunting while under the influence of intoxicating liquor or drugs and operating a snowmobile or all-terrain vehicle while under the influence of intoxicating liquor or drugs. Operating a watercraft while under the influence of intoxicating liquor or drugs has been a Class D crime since 1989. The amendment also proposed to set the minimum penalties for those crimes equal to those that apply in current law to the crime of operating a watercraft while under the influence of intoxicating liquor or drugs.

The amendment proposed to keep the existing 0.08% blood-alcohol content prohibition on hunting and operating a snowmobile, ATV or watercraft by persons 21 years of age or older, but prohibits a person younger than 21 from engaging in those activities while having any alcohol in the blood. The amendment also proposed to provide immunity from certain criminal and civil liability for certain health care professionals who voluntarily report on alcohol-related or drug-related hunting, snowmobile, ATV or watercraft accidents and retain those provisions of the bill that allow additional types of drug and alcohol testing.

The amendment proposed to add a fiscal note to the bill.

Committee Amendment "B" (S-478) is the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment proposed to replace the bill and changes the title of the bill.

The amendment proposed to prohibit a person convicted of hunting while under the influence of alcohol or other drugs from obtaining a license to hunt for 5 years after the date of conviction. The amendment also proposed to decriminalize the operation of a snowmobile or an all-terrain vehicle on the operator's own land while under the influence of intoxicating alcohol or other drugs and make the operation of a snowmobile or an all-terrain vehicle on another person's land while under the influence of intoxicating alcohol or other drugs a Class E crime. The amendment also proposed making the operation of a snowmobile or an all-terrain vehicle on public land, or trails maintained using public funds, while under the influence of intoxicating alcohol or other drugs a Class D crime. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 679, increases from Class E to Class D the crimes of hunting while under the influence of intoxicating liquor or drugs and operating a snowmobile or all-terrain vehicle while under the influence of intoxicating liquor or drugs. Operating a watercraft while under the influence of intoxicating liquor or drugs has been a Class D crime since 1989. The law sets the minimum penalties for those crimes equal to those that apply to the crime of operating a watercraft while under the influence of intoxicating liquor or drugs.

This law keeps the existing 0.08% blood-alcohol content prohibition on hunting and operating a snowmobile, ATV or watercraft by persons 21 years of age or older, but prohibits a person younger than 21 from engaging in those activities while having any alcohol in the blood. The law provides immunity from certain criminal and civil liability for certain health care professionals who voluntarily report on alcohol-related or drug-related hunting, snowmobile, ATV or watercraft accidents and allow additional types of drug and alcohol testing.

Chapter 679 was enacted as an emergency measure effective April 11, 1996.