

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
INLAND FISHERIES AND WILDLIFE

AUGUST 1995

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*\*Denotes Chair*



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

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

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

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources. Members may be selected from among names submitted by organizations listed as affiliates of the Atlantic Salmon Authority, the Passamaquoddy Tribe and the Penobscot Nation. All appointments are subject to confirmation by the Joint Standing Committee on Inland Fisheries and Wildlife. State employees may not be appointed and may not serve on the Atlantic Salmon Board.

The amendment establishes the Atlantic Salmon Authority as the agency having sole authority over management of the Atlantic salmon fishery in the State. Authority to manage landlocked salmon remains with the Department of Inland Fisheries and Wildlife as do all powers to regulate the importation of salmon, live or eggs, used in aquaculture, but all powers to manage or regulate the Atlantic salmon fishery previously held by the Department of Inland Fisheries and Wildlife or the Department of Marine Resources is transferred to the Atlantic Salmon Authority. The amendment gives the Atlantic Salmon Authority the sole authority to introduce or authorize the introduction of Atlantic salmon into state waters for the purpose of enhancing the Atlantic salmon fishery, to limit or prohibit the taking of Atlantic salmon, to issue licenses and to adopt rules establishing the time, place and manner of Atlantic salmon fishing in inland and coastal waters. The Atlantic Salmon Authority inherits all other powers and duties held by the former Atlantic Sea Run Salmon Commission.

Transition provisions in the amendment require the Governor, the President of the Senate and the Speaker of the House of Representatives to make all appointments to the Atlantic Salmon Board within 30 days after the effective date of this Act. The Department of Inland Fisheries and Wildlife is required to continue to provide administrative support to the Atlantic Salmon Authority and the authority is required to report to the Legislature in January 1996. That report must include the authority's plan for managing the State's Atlantic salmon fishery and any statutory recommendations on staffing or budget issues the authority determines necessary to implement that plan.

The amendment also adds appropriation and allocation sections that transfer the existing position counts and appropriations and allocations of the former Atlantic Sea Run Salmon Commission to the newly created Atlantic Salmon Authority.

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" (H-615) adds a provision to the committee amendment that prohibits the Atlantic Salmon Authority from stocking Atlantic salmon in the East Branch of the Penobscot River.

**LD 1325      An Act to Allow Statewide Hunting of Upland Game and Migratory Waterfowl on Sundays      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LAYTON	ONTP	

**SUMMARY**

This bill would have allowed a person to hunt on Sundays in October prior to the open season on deer.

**LD 1343      Resolve, Establishing a Commission to Study the Trespass Laws      RESOLVE 53 EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TUFTS	OTP-AM	H-344 S-387    HANLEY

**SUMMARY**

This resolve establishes a commission to study and revise the trespass laws in the State.

COMMITTEE AMENDMENT "A" (H-344) adds one additional legislative member and one person representing the Maine State Bar Association to the list of members of the Commission to Study Trespass Laws. The amendment also strikes that section of the bill requiring the commission to raise outside revenue and changes the reporting date from January 1, 1996 to December 1, 1995. Members of the commission serve without compensation, except that legislative members are entitled to reimbursement of expenses.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-387) removes the appropriation and provides that legislative members are entitled to actual expenses paid from funds of the Department of Inland Fisheries and Wildlife.

**LD 1393      Resolve, to Standardize Certain Ice Fishing and Open Water Fishing Rules      CARRIED OVER**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
UNDERWOOD

**SUMMARY**

This resolve would direct the Commissioner of Inland Fisheries and Wildlife to standardize certain rules for both ice fishing and open water fishing. This bill was carried over for further consideration in the Second Regular Session of the 117th Legislature.

**LD 1530      An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife      PUBLIC 455 EMERGENCY**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
HALL                                      OTP-AM                                      S-311  
S-390      HANLEY

**SUMMARY**

This is the "Omnibus" bill of the Department of Inland Fisheries and Wildlife.

As amended by COMMITTEE AMENDMENT "A" (S-311) the bill:

1. Repeals the 2 free fishing days allowed under current law;
2. Makes certain changes necessary to satisfy requirements of the federal migratory bird harvest information program. These changes include authorizing the Commissioner of Inland Fisheries and Wildlife to adopt rules regulating the reporting procedures of persons appointed to sell hunting licenses; establishing procedures whereby persons may become certified to hunt migratory game birds; and making it unlawful to hunt migratory game birds without first being certified to do so;
3. Prohibits live bait dealers from taking multiple limits of smelts from waters governed by general rules in order to attain the 8-quart limit that they are allowed in specifically designated waters;
4. Prohibits smelt wholesalers from transporting from an inland water source to their place of business more than 8 quarts of live smelts;
5. Specifies that the business facility of any person licensed to deal in live smelts and baitfish means a fixed place of business and not a motor vehicle or trailer. Live smelts and baitfish being held by a dealer in a motor vehicle or trailer come under the same regulations as for the transporting of smelt and baitfish, even if the vehicle or trailer might be temporarily positioned at a specific site to aid the dealer in selling live smelts and baitfish to the public;