

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

Staff:

Patrick T. Norton, Principal Analyst

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*

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**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

**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:

<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 enacted 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>

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.

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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;

6. Specifies that no species of nonnative fish or fish eggs may be imported into the State for aquarium purposes without a permit unless that species has been designated by rule of the commissioner as a species that poses no significant threat to native fish or other aquatic organisms;
7. Establishes requirements for hunting migratory birds;
8. Provides that the season for hunting deer with bow and arrow in the Town of Islesboro begins on the same day as the statewide archery season on deer and not necessarily on the first day of October;
9. Allows the commissioner to waive the written application and \$25 bidding fee when contracting with a conservation organization to conduct the auction of moose permits;
10. Makes it clear that a hunting tag is to be attached to one of the hind legs of a moose;
11. Requires that all baitfish traps set in inland waters be checked at least once in every 3 days;
12. Updates the list of state-owned wildlife management areas to include new acquisitions;
13. Provides that the commissioner has authority to regulate public uses at department-owned sites that provide public access to inland and coastal waters, to charge reasonable fees for the use of these access sites to help defray the cost of routine maintenance and security and to charge reasonable fees for admission to the Steve Powell Wildlife Management Area near Richmond, known as Swan Island and Little Swan Island;
14. Provides that a snowmobile owner, the parents or guardians of a minor and the person who furnished a snowmobile to a minor are jointly and severally liable with the operator for any damages caused by this minor in operating a snowmobile;
15. Allows a law enforcement officer to impound a snowmobile operated in violation of law when it is likely that the operator will continue to operate the machine in violation of law and that the continued operation may threaten the safety of persons or property;
16. Prohibits the commissioner from producing bear and deer tags that are part of a hunting license;
17. Clarifies that it is illegal to operate an ATV in Maine without headlights, taillights and brake lights, regardless of where the ATV was purchased. The amendment does not affect the existing exceptions to that law that allow ATV's to be operated without lights if they are used exclusively for scheduled racing events, if they were manufactured prior to 1991 or if they have four wheels and an engine smaller than 90 cubic centimeters;
18. Requires wholesale baitfish and smelt harvesters to mark holes in the ice with fluorescent biodegradable tape;
19. Allows fishing guides to use rafts and dories on rapidly flowing rivers while guiding anglers without that activity being classified as a commercial whitewater rafting activity;
20. Allows the commissioner to establish rafting allocations on the Penobscot River on Sundays;
21. Corrects an error created when 2 sections of law were enacted in the same session without reference to each other. Public Law 1993, chapter 24 repealed the Maine Revised Statutes, Title 12, section 7102 and enacted Title 12, section 7102-A effective January 1, 1995. Public Law 1993, chapter 419 enacted an amendment to Title 12, section 7102 prior to the repeal of that section taking effect. The result is that 2 different fee schedules for archery hunting licenses are now in effect. This amendment corrects this error;

22. Creates the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife. The 8-person task force consists of 5 Legislators who are members of the Joint Standing Committee on Inland Fisheries and Wildlife appointed by the Speaker of the House and the President of the Senate, 2 members appointed by the Governor and one member appointed by the Board of Directors of the Sportsman's Alliance of Maine. The purpose of the task force is to undertake a comprehensive review of the management, budgeting and program implementation functions of the department.

Members of the task force are entitled to receive legislative per diem and expenses. The task force is required to submit its report and accompanying legislation to the Legislature by January 1, 1996; and

23. Makes other technical or minor changes to the laws governing inland fisheries and wildlife.

The amendment also adds a fiscal note to the bill.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-390) changes the reporting date of the task force and clarifies the reimbursement provisions.

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