

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

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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.

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

<u>Sponsor(s)</u> UNDERWOOD	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1383 proposed to direct the Commissioner of Inland Fisheries and Wildlife to standardize certain rules for both ice fishing and open water fishing.

LD 1645 **An Act to Revise Certain Fish and Wildlife Laws** PUBLIC 667
EMERGENCY

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-813 S-485 S-576
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LD 1645 proposed was the Department of Inland Fisheries and Wildlife's "Omnibus" bill and proposed a series of changes to the fish and wildlife laws of the State.
Committee Amendment "A" (S-485) proposed to change many of the provisions in the original bill and add several others..

House Amendment "A" to Committee Amendment "A" (H-804), which was not adopted, proposed to remove that section of the committee amendment that proposed to increase the examination fee for a guide license from \$10 to \$100.

House Amendment "B" to Committee Amendment "A" (H-813) proposed to require that the Commissioner of Inland Fisheries and Wildlife appoints the warden or retired warden member of the Advisory Board for the Licensing of Whitewater Guides and that the public members of the Advisory Board for the Licensing of Whitewater Guides hold 3-year terms.

Senate Amendment "A" to Committee Amendment "A" (S-576) proposed to eliminate the authorization for retroactive payments to members of the Inland Fisheries and Wildlife Advisory Council and establishes a July 1, 1996 effective date for a per diem increase for council members.

Enacted law summary

Public Law 1995, chapter 667, does the following:

Authorizes the Commissioner of Inland Fisheries and Wildlife to sell or lease video tapes and sell merchandise and use those proceeds for any purpose within the Department of Inland Fisheries and Wildlife, except the department's magazine;

Allows any member of the United States Armed Forces to buy a trapping, fishing, hunting or combination license at any agency;

Encourages landowners who prohibit access to their land without permission to post their land with signs that include the name and address of the person to contact to obtain permission;

It increases from \$10 to \$100 the examination fee for obtaining a guide license;

It clarifies that the nonresident 3-day small game hunting license is valid for 3 consecutive days;

It requires 16-year-old hunters to complete a hunter safety course;

It allows the Commissioner of Inland Fisheries and Wildlife to adopt rules, which are classified as major substantive rules, governing the selection and reporting requirements for licensing agents of the Department of Inland Fisheries and Wildlife;

It repeals the provision that allows the guide examination fee to be credited toward the license fee;

It allows the oral testing of whitewater guides to be conducted by 2 members;

It repeals the requirement that oral exams for whitewater guides be given by 3 members of the Advisory Board for the Licensing of Whitewater Guides;

It requires that a tree stand and ladder, except a portable unit that is attended by the owner and located on land within the jurisdiction of the Maine Land Use Regulation Commission, be labeled with the name and address of the persons authorized by the landowner to use the tree stand and ladder;

It clarifies the requirement for identifying bear baits;

It clarifies that only those species listed in statute may be regulated by the Department of Inland Fisheries and Wildlife as state endangered or state threatened species;

It repeals the sunset on the option for a 2-week muzzle-loading season;

It increases, prospectively, the per diem for members of the Inland Fisheries and Wildlife Advisory Council from \$25 to \$50;

It changes the qualification requirement of the Deputy Commissioner of Inland Fisheries and Wildlife;

It exempts from the definition of "litter" any waste parts or remains that result from the normal field dressing of lawfully harvested wild game and waste parts or remains of wild game used as bait;

A cross-reference to the Maine Litter Control Act is also added to inland fisheries and wildlife law to notify hunters that leaving a carcass, waste parts or remains of an animal in the woods, other than as bait or as a result of field dressing lawfully harvested game, is illegal and is a violation of the Maine Litter Control Act;

It establishes the Advisory Board for the Licensing of Whitewater Guides;

It changes the whitewater guide license from a one-year to a 3-year license;

It increases from 800 to 1,000 the Sunday allocation ceiling for commercial passengers on the Kennebec River and eliminates allocations for the Kennebec River during June;

It requires the use of certain types of personal flotation devices on stretches of the Penobscot River and the Kennebec River;

It creates the Hunters for the Hungry Program within the Department of Inland Fisheries and Wildlife. The program utilizes the existing temporary emergency food assistance programs administered by the Department of Agriculture, Food and Rural Resources to distribute lawfully harvested wild game meat to soup kitchens, shelters, food pantries, churches and other organizations throughout the State. The Hunters for the Hungry Program allows any person to donate any lawfully obtained game either to the Temporary Emergency Food Assistance Program or directly to one of the eligible kitchens, shelters or churches. The Department of Inland Fisheries and Wildlife may adopt rules to implement the program, working in cooperation with the Department of Agriculture, Food and Rural Resources. Part C also extends immunity from civil liability to persons who lawfully donate wild game meat and to the organizations that handle and distribute that meat.

It requires the Commissioner of Inland Fisheries and Wildlife to appoint a warden or retired warden as a member of the Advisory Board for the Licensing of Whitewater Guides and establishes a 3-year term for public members of the Advisory Board for the Licensing of Whitewater Guides;

Chapter 667 was enacted as an emergency measure effective April 11, 1996.

LD 1726 **An Act to Implement the Recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife** PUBLIC 695
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-465

LD 1726 proposed provisions to implement the recommendations of the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife. That Task Force was established by Public Law 1995, chapter 455, section 44.

LD 1726 proposed to change the period of boat registration from one year to 3 years for registrations issued on or after July 1, 1996, and to increase the registration fee from \$4 to \$12 to reflect the increased term of the registration.

The bill also proposed to require the task force to meet on any day between June 1, 1996 and June 30, 1996 to review the progress of the department in implementing the recommendations of the task force, to create a position within the department for a full-time coordinator of volunteers and to provide an allocation for the use of federal funds to conduct surveys of hunters, anglers and nonconsumptive users of the State's fish and wildlife resources.

Committee Amendment "A" (S-465) proposed to replace the bill. The amendment proposed to require that watercraft registrations and certificates of number issued after July 1, 1996 be valid for specific calendar years, rather than for the 12-month period following the date the certificates of number are issued.

The amendment also proposed to retain the requirement in the bill that the Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife meet in June to evaluate the department's progress, but makes a technical correction and removes the provision that would have allowed the members to receive per diem and expenses for that meeting.