

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
INLAND FISHERIES AND WILDLIFE

MAY 1998

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE.....One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY.....Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....Bill imposing local mandate failed to get 2/3 vote
INDEF PP.....Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

11. Requires LURC, DIFW and BPL to report to the Legislature next session on the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction; and
12. Requires the DIFW to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters.

LD 1801

An Act to Adopt Long-range Changes in the Methods by Which Whitewater Rafting Trips Are Allocated among Licensees

PUBLIC 730

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ OTP-AM MIN	S-530

LD 1801 proposed to amend the commercial whitewater rafting laws in the following manner.

1. Set a recreational use limit for commercial passengers on the Kennebec River of 1,000 per day, effectively increasing the number of passengers allowed on Saturdays from 800 to 1,000 passengers. These 200 new allocations must be auctioned by the Department of Inland Fisheries and Wildlife by December 1, 1997 and the proceeds distributed equally between the General Fund and the department.
2. Require the Department of Inland Fisheries and Wildlife to designate certain unallocated days during which an outfitter may carry up to 120 passengers per unallocated day.
3. Establish a limit of 240 passengers per day on the Dead River for an outfitter.
4. Repeal the 5-year term for awarded allocations and specifies that the department may suspend, revoke or reduce the number of allocations when the department determines it is advisable to do so for better management or protection of public safety and welfare. The department may also suspend or revoke the allocations of an outfitter who fails to meet certain specified requirements.
5. Repeal the current allocation procedures and the requirement that the department allocate the right to conduct whitewater trips, instead giving the department the discretion to make allocations. Allocations may be transferred between outfitters subject to approval by the department. An outfitter is required to submit reports to the department documenting river use.

Committee Amendment "A" (S-530) is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. This amendment replaced the bill. The amendment proposed several changes in the manner in which whitewater rafting is regulated in the State.

This amendment also adds an appropriation section and fiscal note to the bill.

Committee Amendment "B" (S-531) is the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment replaces the bill.

The report differs from the majority report in that it does not include any increase in the use limits on the Kennebec or any increase in the number of allocations that may be held by an outfitter.

As in the majority report, this amendment also proposed to repeal the statutory whitewater rafting allocation procedure and criteria for awarding allocations and repeals the provisions that require allocations to be reissued every 5 years. The Department of Inland Fisheries and Wildlife is charged with adopting rules governing the allocation procedure and criteria for awarding allocations and for the review of outfitters and allocations. The law prohibiting the profit on the return and reissuance of allocations is repealed, but allocations are not assets of the outfitter and must be returned to the department when the business is sold. The department retains the right to suspend, revoke or reduce the number of allocations for resource management reasons or for failure of the outfitter to perform.

Also as in the majority report, this amendment proposed to direct the department to sell, at a public auction, any new allocations that are forfeited to the department or that are created as a result of an increase in river use limits. Allocations created as a result of the department designating new allocated days by rule are distributed among outfitters based on their historical use of the river on that day. Outfitters are required to pay the appropriate allocation fee for those allocations as well.

This amendment also proposed to add an appropriation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 730 increases from 800 to 1,000 the commercial use limit on the Kennebec River on Saturdays and reduces from 20 to 10 the minimum number of allocations that may be awarded for that river. The Department of Inland Fisheries and Wildlife is directed to distribute the 200 new allocations created by this increase equally among the 17 whitewater outfitters who were licensed and ran trips in 1997. Each outfitter is required to pay the appropriate allocation fee prior to being issued those allocations. The law also increases from 80 to 120 the maximum number of allocations that may be held by an outfitter.

The law also repeals the statutory whitewater rafting allocation procedure and criteria for awarding allocations and repeals the provisions that require allocations to be reissued every 5 years. The Department of Inland Fisheries and Wildlife is charged with adopting rules governing the allocation procedure and criteria for awarding allocations and for the review of outfitters and allocations. The law prohibiting profit on the return and reissuance of allocations is repealed, but allocations are not assets of the outfitter and must be returned to the department when the business is sold. The department retains the right to suspend, revoke or reduce the number of allocations for resource management reasons or for failure of the outfitter to perform.

The law also directs the department to sell, at a public auction, any new allocations that are forfeited to the department or that are created as a result of an increase in river use limits. Allocations created as a result of the department designating new allocated days by rule are distributed among outfitters based on their historical use of the river on that day. Outfitters are required to pay the appropriate allocation fee for those allocations as well.

LD 1921 An Act to Reduce the Cost of Archery Hunting Licenses for the ONTP
Special Archery Season on Deer

<u>Sponsor(s)</u> DUNLAP	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1921 proposed to reduce by 50% the cost of archery hunting licenses for the special archery season on deer.