MAINE STATE LEGISLATURE

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State Of Maine
120th Legislature

First Regular Session

Bill Summaries

Joint Standing Committee
on
Inland Fisheries and Wildlife

August 2000

Members:
Sen. David L. Carpenter, Chair
Sen. Marge L. Kilkelly
Sen. Chandler E. Woodcock

Rep. Matthew Dunlap, Chair
Rep. Richard H. C. Tracy
Rep. Joseph E. Clark
Rep. Ronald E. Usher
Rep. Bruce S. Bryant
Rep. Monica McGlocklin
Rep. Royce W. Perkins
Rep. Howard A. Chick
Rep. Ken Honey
Rep. A. David Trahan

120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. 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 considered by the 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, <u>History and Final Disposition of Legislative Documents</u>, 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:

CARRIED OVER..*Bill Carried Over to Second Regular Session*
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*
NOT PROPERLY BEFORE THE BODY...*Ruled out of order by the presiding officers; bill died*
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 First Regular Session (unless otherwise specified in a particular law) is *September 21, 2001.*

Joint Standing Committee on Inland Fisheries and Wildlife

An Act to Clarify Laws Pertaining to Nuisance Wildlife   **PUBLIC 199**

Sponsor(s)	Committee Report	Amendments Adopted
KILKELLY	ONTP MAJ	S-84
DUNLAP	OTP-AM MIN	

LD 587 proposed to make several changes to the section of law that deals with nuisance animals in general and depredation permits for landowners, farmers and orchard owners. It proposed to add domestic birds to the provision that allows a person to kill any wild animal found attacking or wounding that person's domestic animals or destroying that person's property.

The bill proposed to clarify that all types of grasses are excluded from the provision that allow an owner of orchards or growing crops to kill wild animals that are doing substantial damage to that person's orchards or crops and that the wild animal must be in the act of doing the damage.

In addition, the bill proposed to require that when an orchard owner or landowner employs someone outside of the immediate family to kill wild animals under the provisions of this law that written permission to employ such a person must be obtained from a game warden.

It proposed to change the reference from a game warden to the Maine Warden Service under the reporting requirements so that if a game warden can not be contacted, a person may call one of the regional headquarters instead.

It proposed to clarify that in all cases of deer, bear or moose being killed, a person must immediately and properly dress the carcass and care for the meat to prevent spoilage.

Finally, the bill proposed to prohibit failing to report or properly care for the carcass and meat of a wild animal killed pursuant to this law.

Committee Amendment "A" (S-84) proposed to require that a wild animal be located within the crop or orchard where substantial damage is occurring before it can be harvested as a nuisance animal. The amendment proposed to remove the bill's requirement that written permission be obtained from a game warden before employing someone outside the immediate family and provided instead that when a person wishes to employ someone outside of the immediate family to take or kill wild animals, that person must contact a game warden to arrange for a person to alleviate the damage. When the warden is satisfied that damage is occurring, the warden may arrange for a department agent to alleviate the damage or, when an agent is not available, authorize a person to perform the work. Additionally, the amendment proposed to prohibit a person whose license to hunt has been revoked or suspended or who is an habitual violator as defined in the Maine Revised Statutes, Title 12, section 7001, subsection 13-A or has been convicted of night hunting within the past 5 years from being eligible to receive permission to take or kill a wild animal pursuant to this section. The amendment also proposed to provide that the cultivator, owner, mortgagee or keeper of the crop or orchard is entitled to ownership of the carcass, not the person who harvested the animal, and provide that the owner of the carcass may transfer possession of the carcass to another person in accordance with labeling requirements for deer, bear and moose. The amendment proposed to limit the wild animals that must be properly cared for to deer, bear and moose. Finally, the amendment proposed to authorize the commissioner to issue a permit to a person entrusted with the custody of a beekeeper's beehives allowing the person to protect the beehives from bear damage.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted law summary

Public Law 2001, chapter 199 makes several changes to the section of law that deals with nuisance animals and depredation permits for landowners, farmers and orchard owners. Specifically, Public Law 2001, chapter 199 requires that a wild animal be located within the crop or orchard where substantial damage is occurring before it can be harvested as a nuisance animal. This public law allows a person to employ someone outside of the immediate family to take or kill wild animals so long as that person first contacts a game warden to arrange for a person to alleviate the damage. Additionally, this public law prohibits certain persons from being eligible to receive permission to take or kill a wild nuisance animal.

Public Law 2001, chapter 199 provides that the cultivator, owner, mortgagee or keeper of the crop or orchard is entitled to ownership of the carcass, not the person who harvested the animal, and provides that the owner of the carcass may transfer possession of the carcass to another person in accordance with labeling requirements for deer, bear and moose. This public law limits the wild animals that must be properly cared for to deer, bear and moose. Finally, this public law authorizes the commissioner to issue a permit to a person entrusted with the custody of a beekeeper's beehives allowing that person to protect the beehives from bear damage.

LD 596   **An Act to Expand Youth Conservation Education Programs**   **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO	ONTP	
KNEELAND		

LD 596 proposed to provide for a percentage of revenue from the public chance drawing for moose hunting permits to be used to fund youth conservation education programs.

LD 625   **An Act to Compensate Citizens When Property is Seized**   **ONTP**
          Wrongfully and Damaged

Sponsor(s)	Committee Report	Amendments Adopted
TRAHAN	ONTP	

LD 625 proposed to require that if fish, wildlife or equipment seized by a game warden had been damaged or destroyed and the court found that the fish, wildlife or equipment was not possessed in violation of the applicable fish and wildlife laws, then the court would order that the claimant be reimbursed by the Department of Inland Fisheries and Wildlife for the value of the destroyed or damaged items.