

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

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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, 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:

<i>CARRIED OVER</i>	<i>Bill Carried Over to Second Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1726

An Act to Clarify Laws Pertaining to the Permit Process for Wildlife Possession

PUBLIC 269

<u>Sponsor(s)</u> DUNLAP CARPENTER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-385
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LD 1726 proposed to amend the section of the Maine Revised Statutes, Title 12 that deals with possessing, breeding, exhibiting, purchasing, selling, importing and transporting wildlife. Currently, all of the possession authorities are within separate sections of the law. This bill proposed to repeal 14 sections of Title 12 and place them into one section with the issuance, fees, rule-making authority and permit administration being addressed. The bill also proposed to authorize the Department of Inland Fisheries and Wildlife to adopt rules for each specific permit.

Committee Amendment "A" (H-385) proposed to change the fee structure for permits to possess wildlife and corrects cross-references. This amendment also proposed to clarify which species are affected by the bill. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 269 amends the section of the Maine Revised Statutes, Title 12 that deals with possessing, breeding, exhibiting, purchasing, selling, importing and transporting wildlife. This Public Law repeals 14 sections of Title 12 and places them into one section with the issuance, fees, rule-making authority and permit administration being addressed. This Public Law also authorizes the Department of Inland Fisheries and Wildlife to adopt rules for each specific permit.

LD 1732

An Act to Establish for an Additional Two Years the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine

PUBLIC 462
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-180 S-386 GOLDTHWAIT
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Part A of LD 1732 proposed to create a fish hatchery maintenance fund within the Department of Inland Fisheries and Wildlife to be used by the Commissioner of Inland Fisheries and Wildlife to fund or assist in funding maintenance, repair or capital improvements at fish hatcheries and feeding stations owned by the State. The fund could not be used to fund personnel services costs or general operating costs of a fish hatchery. The fund would be initially capitalized by a \$100,000 transfer from the department's carrying account. The commissioner would be directed to report back to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2002 with recommendations on mechanisms to raise revenue for the fund.

Part A also proposed to reallocate \$182,000 from the Department of Inland Fisheries and Wildlife to the fish hatchery study commission to allow the commission to hire consulting engineers to assist in the design and

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assessment of statewide fish hatchery production and distribution needs and for the per diem expenses of 4 annual meetings of the commission. Those funds are part of a \$500,000 appropriation originally made to the department in 2000 for similar purposes.

Part B of this bill proposed to authorize for an additional 2 years a study commission originally established by the 119th Legislature by Resolve 1999, chapter 82. The purpose of this commission would be to study the needs and opportunities associated with the production of salmonid sport fish in this State.

Part B proposed to appoint all the members of the commission originally appointed in 1999, except that it would require the President of the Senate to appoint 2 additional members of the Senate and require the Governor to fill 2 vacancies among public members appointed by the Governor in 1999.

Part B also proposed to carry forward into fiscal year 2001-02 all unexpended balances appropriated to the Department of Inland Fisheries and Wildlife for fiscal year 2000-01 for fish hatchery engineering work.

Committee Amendment "A" (S-180) proposed to transfer unexpended funds appropriated by the 119th Legislature for engineering analyses of fish hatcheries to a newly created fish hatchery maintenance fund in the Department of Inland Fisheries and Wildlife. The amendment also proposed to allocate from that fund funds necessary for the per diem and expenses of study commission members. The amendment also proposed to remove the provision that transfers \$100,000 from the carrying balance to the fish hatchery maintenance fund. The amendment also proposed to add an allocation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-573) proposed to authorize the Speaker of the House to appoint a member of the House to the Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine. The amendment also proposed to provide that the Speaker of the House should give a preference to a House member who sits on the Joint Standing Committee of Inland Fisheries and Wildlife. This amendment also proposed to strike and replace the allocation.

Senate Amendment "A" to Committee Amendment "A" (S-386) proposed to incorporate House Amendment "A" to Committee Amendment "A" and further provide that the member of the House of Representatives appointed by the Speaker of the House serve as cochair and specify that the initial meeting of the commission be held by August 15, 2001. It also proposed to limit payment of a per diem for attendance at commission meetings to Legislators.

Enacted law summary

Public Law 2001, chapter 462, Part A, creates a fish hatchery maintenance fund within the Department of Inland Fisheries and Wildlife to be used by the Commissioner of Inland Fisheries and Wildlife to fund or assist in funding maintenance, repair or capital improvements at fish hatcheries and feeding stations owned by the State. This Public Law also transfers unexpended funds appropriated by the 119th Legislature for engineering analyses of fish hatcheries to the fish hatchery maintenance fund and further provides that expenses for four meetings in 2001-02 and four meetings in 2002-03 of the commission including the per diem expenses for legislators attending commission meetings, be paid from this fund.

Part B of this Public Law authorizes for an additional 2 years a study commission originally established by the 119th Legislature by Resolve 1999, chapter 82. The purpose of this commission is to study the needs and opportunities associated with the production of salmonid sport fish in this State. Part B also appoints all the members of the commission originally appointed in 1999, except that it requires the President of the Senate to

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appoint 2 additional members of the Senate, the Speaker of the House to appoint one member and requires the Governor to fill 2 vacancies among public members appointed by the Governor in 1999.

Public Law 2001, chapter 462 was enacted as an emergency measure effective June 28, 2001.

LD 1776 **Resolve, Regarding Legislative Review of Chapter 21: Licensing and Registration Agents, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife** **RESOLVE 40 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1776 proposed to provide for legislative review of Portions of Chapter 21: Licensing and Registration Agents, a major substantive rule of the Department of Inland Fisheries and Wildlife.

Enacted law summary

Resolve 2001, chapter 40 approves Chapter 21: Licensing and Registration Agents, a major substantive rule of the Department of Inland Fisheries and Wildlife.

Resolve 2001, chapter 40 was enacted as an emergency measure effective May 29, 2001.

LD 1785 **An Act Concerning Disabled Hunters, Trappers and Anglers** **PUBLIC 223**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1785 proposed to allow the Commissioner of Inland Fisheries and Wildlife to authorize special exceptions for individuals with a permanent physical disability that allow those persons to lawfully hunt, trap or fish at times or in a manner that would otherwise be prohibited by laws or rules administered by the Department of Inland Fisheries and Wildlife. The bill proposed to require the commissioner to authorize only the minimum special exceptions necessary to overcome the applicant's disability and to prohibit the commissioner from granting exceptions to allow persons to exceed bag or size limits; to fish for or take a fish or wildlife species for which a license is not otherwise issued; to fish, trap or hunt more than 7 days before or after the regular open season for a particular species or to fish, trap or hunt in any area permanently closed to those activities.

The bill proposed to provide criteria that the commissioner and applicants must follow in granting any special exceptions pursuant to this bill.

Enacted law summary