

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Inland Fisheries and Wildlife*

May 2004

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Sen. David L. Carpenter
Sen. Richard Kneeland*

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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/billsumm.htm).

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
- 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
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Inland Fisheries and Wildlife

LD 388 **An Act To Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN BRYANT	OTP-AM MAJ ONTP MIN	

LD 388 proposed to allow the Department of Inland Fisheries and Wildlife to authorize a private landowner owning a continuous piece of property that was greater than 500 acres and located entirely within unorganized territory to open that property on Sunday to hunters with Sunday hunting permits. The Commissioner of Inland Fisheries and Wildlife could not authorize private property for Sunday hunting if the property owner did not keep that property open to hunting by the public. The commissioner could issue Sunday hunting permits to hunt rabbit and grouse on authorized private property during the regular open season. The commissioner could not authorize private property for Sunday hunting if that property adjoined certain public property. The proposed fee for a Sunday hunting permit was \$15.

The bill also proposed to set an effective date of January 1, 2004 and a repeal date of January 1, 2006.

Committee Amendment "A" (H-623), the majority report, proposed to replace the bill. The amendment proposed to allow Sunday hunting in wildlife management districts 1, 2, 4 and 5 for ruffed grouse, rabbit, squirrel and woodcock during the regular open season for those species. (not adopted)

This amendment proposed to set an effective date of January 1, 2005 and a repeal date of January 1, 2007.

LD 408 **An Act Regarding the Presumption of Violations of the Hunting-on-Sunday Prohibition** **PUBLIC 511**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON KNEELAND	OTP-AM	H-625

LD 408 proposed to remove from the law language that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the Sunday hunting law. The bill also proposed to add an exception to the Sunday hunting prohibition to allow carrying of hunting equipment for protection while engaged in activities such as bear baiting.

Committee Amendment "A" (H-625) proposed to replace the bill. Like the bill, it proposed to remove the language from the law that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the Sunday-hunting law. Additionally, it proposed to repeal the law that makes possessing a loaded firearm on or near a public paved way prima facie evidence of hunting.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 511 repeals the provision of the law that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the Sunday-hunting laws. Public Law 2003, chapter 511 also repeals the provision of the law that makes possessing a loaded firearm on or near a public paved way or within the right-of-way of a controlled access highway prima facie evidence of hunting.

LD 446 **An Act Regarding Bear Hunting** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 446, a concept draft, proposed to amend the current law to make changes to the bear hunting seasons.

LD 827 **An Act Regarding Wildlife Habitat Conservation** **PUBLIC 619**

<u>Sponsor(s)</u> DUNLAP EDMONDS		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-799
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LD 827 was carried over from the First Regular Session by the Joint Standing Committee on Inland Fisheries and Wildlife and rereferred jointly to the Joint Standing Committees on Taxation and Inland Fisheries and Wildlife. The bill proposed to allow the Commissioner of Inland Fisheries and Wildlife to enter into an agreement with a landowner to manage a parcel of land in the unorganized territory as wildlife habitat. An agreement could include a provision that exempted the parcel of land that is the subject of the agreement from the property tax. For a landowner who owns more than 1,000 acres in the unorganized territory, no more than 15% of that landowner's holdings in the unorganized territory could be the subject of an agreement to manage the land as wildlife habitat.

Committee Amendment “A” (H-799) proposed to replace the bill. It proposed to clarify the meaning of "wildlife habitat" for purposes of the farm and open space tax law and require assessors to consider whether there was a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

Enacted Law Summary

Public Law 2003, chapter 619 clarifies the meaning of “wildlife habitat” for purposes of the farm and open space tax law and requires assessors to consider whether there is a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.