

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Inland Fisheries and Wildlife*

*July 2003*

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## *Maine State Legislature*

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

#### *121st Maine Legislature First Regular 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](http://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 PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> 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 &amp; 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>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

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

## *Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1456**

**An Act To Establish the Landowners and Sportsmen Relations  
Advisory Board**

**PUBLIC 280**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-305

LD 1456 proposed to establish the Landowners and Sportsmen Relations Advisory Board.

**Committee Amendment "A" (H-305)** proposed to add one member to the advisory board who would represent a utility corridor ownership interest and to remove compensation for board members.

### *Enacted Law Summary*

Public Law 2003, chapter 280 establishes the Landowners and Sportsmen Relation Advisory Board.

**LD 1474**

**An Act Concerning Public Boat Launch Sites**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	ONTP	

LD 1474 proposed to impose new requirements for the creation or alteration of public boat launch sites.

The bill proposed to require local involvement in the process and to require the Department of Inland Fisheries and Wildlife to establish buffer zones around launch sites and to install and maintain navigational aids at the launch sites.

**LD 1482**

**An Act To Revise Certain Provisions of Maine's Fish and Wildlife  
Laws**

**PUBLIC 403  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-422 H-524 DUNLAP

LD 1482 proposed to:

1. Amend the laws governing accident reports by whitewater trip outfitters, to change the amount of property damage requiring a report from \$100 to \$1,000, which would be consistent with other reporting requirements for boating, and to clarify that the reporting requirement for medical attention is for professional medical attention;
2. Repeal laws requiring the department to publish lists of bear and deer registration stations in a daily newspaper;

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3. Repeal the requirement that if rulemaking is necessary to shorten the open season on deer, regulate the taking of antlerless deer or create special hunting seasons, the determination would have to be made and published by a certain date;
4. Repeal the requirement that the disabled hunter, trapper and angler advisory committee have a licensed physician as a member;
5. Establish the Becoming an Outdoors Woman program as a program within the department;
6. Authorize the department to issue complimentary fishing licenses to persons with acquired brain injury;
7. Amend the law regarding deer tags so that the department has flexibility in how the tag is issued;
8. Authorize the department to sell extra copies of the Maine Revised Statutes, Title 12, chapters 701 to 721, as prepared and printed by the department to help offset the cost of printing;
9. Repeal the requirement that a trespass reminder and convicted felon statement be printed on licenses;
10. Establish a reinstatement fee for licenses that are suspended for failure to comply with court-ordered support under the Maine Revised Statutes, Title 19-A, section 2201;
11. Require that bait and baitfish be sold in containers that are composed in whole of biodegradable paper or cardboard;
12. Make the amount of time for registering wild turkeys the same as that for registering bear, deer and moose, 18 hours. It is currently 12 hours;
13. Amend the law prohibiting fishing from a dam in which a fishway is located to make it unlawful to fish from any operational fishway rather than from the dam;
14. Amend the snowmobile laws by making a parent or guardian of a minor under 18 years of age responsible if that minor operates a snowmobile in violation of the snowmobile laws. This would be consistent with ATV law;
15. Remove the current language in the law that applies the law of operating to endanger only to the statewide snowmobile trail system or a public right-of-way that is open to snowmobiling;
16. Establish a grace period for migratory waterfowl permits and changes the permit to a calendar year permit. Currently, permits expire on June 30th following the season for which they were issued. These permits are now issued in the form of a license rather than a stamp and will coincide with the licensing year;
17. Require that snowmobile operators stop before entering a public way or private way maintained for travel and that snowmobile operators yield the right-of-way to all vehicular traffic while operating on a public way or private way maintained for travel;
18. Amend the law regarding dogs chasing, wounding or killing moose and deer, by adding wild turkeys to the list; and

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19. Allow the Commissioner of Inland Fisheries and Wildlife to establish rules regarding permittees that are selected to receive a moose hunting permit but are unable to use the permit.

**Committee Amendment "A" (H-422)** proposed to prohibit the use of personal watercraft on Indian Pond and defines "aquarium" for the purposes of importing and possessing nonnative and exotic species. The amendment proposed to exempt a person who holds a smelt wholesale license and fishes with a hook and line from certain restrictions regarding the taking and selling of live smelt. It would also strike the language from the bill that would allow a deer tag to be issued separately from a big game license. The amendment also proposed to clarify that the State has exclusive jurisdiction over the regulation of all-terrain vehicles. Finally, the amendment proposed to establish a lifetime trapping license and adjusts the cost of combination lifetime licenses to better reflect other fee structures.

**House Amendment "A" to Committee Amendment "A" (H-524)** proposed to specify that, notwithstanding the State's exclusive jurisdiction over the regulation of all-terrain vehicles, a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by the municipality.

### ***Enacted Law Summary***

Public Law 2003, chapter 403 makes the following changes to fish and wildlife laws:

1. In the law governing accident reports by whitewater trip outfitters, it changes the amount of property damage requiring a report from \$100 to \$1,000, which is consistent with other reporting requirements for boating, and clarifies that the reporting requirement for medical attention is for professional medical attention;
2. It removes the requirement that the department publish lists of bear and deer registration stations in a daily newspaper;
3. It removes the requirement that if rulemaking is necessary to shorten the open season on deer, regulate the taking of antlerless deer or create special hunting seasons, the determination must be made and published by a certain date;
4. It removes the requirement that the disabled hunter, trapper and angler advisory committee have a licensed physician as a member;
5. It establishes the Becoming an Outdoors Woman program as a program within the department;
6. It authorizes the department to issue complimentary fishing licenses to persons with acquired brain injury;
7. It authorizes the department to sell extra copies of the Maine Revised Statutes, Title 12, chapters 701 to 721, as prepared and printed by the department to help offset the cost of printing;
8. It prohibits the use of personal watercraft on Indian Pond;
9. It removes the requirement that a trespass reminder and convicted felon statement be printed on licenses;
10. It establishes a reinstatement fee for licenses that are suspended for failure to comply with court-ordered support under the Maine Revised Statutes, Title 19-A, section 2201;

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11. It requires that bait and baitfish be sold in containers that are composed in whole of biodegradable paper or cardboard;
12. It makes the amount of time for registering wild turkeys the same as that for registering bear, deer and moose, 18 hours. It is currently 12 hours;
13. It amends the law prohibiting fishing from a dam in which a fishway is located to make it unlawful to fish from any operational fishway rather than from the dam;
14. It provides that a parent or guardian of a minor under 18 years of age is guilty of unlawfully permitting the operation of a snowmobile if that minor operates a snowmobile in violation of the snowmobile laws;
15. It amends the law to extend the applicability of the prohibition on operating a snowmobile to endanger from only applying to statewide snowmobile trail systems or public right-of-ways open to snowmobiling to all areas of the State;
16. It changes the expiration date for migratory waterfowl permits from June 30<sup>th</sup> to December 31<sup>st</sup> of the year issued;
17. It requires that snowmobile operators stop before entering a public way or private way maintained for travel and that snowmobile operators yield the right-of-way to all vehicular traffic while operating on a public way or private way maintained for travel;
18. It adds wild turkeys to and removes elk and caribou from the list of wild animals that an owner must prevent a nuisance dog from chasing or killing;
19. It allows the Commissioner of Inland Fisheries and Wildlife to establish rules regarding permittees that are selected to receive a moose hunting permit but are unable to use the permit;
20. It defines "aquarium" for the purposes of importing and possessing nonnative and exotic species;
21. It exempts a person who holds a smelt wholesale license and fishes with a hook and line from certain restrictions regarding the taking and selling of live smelt;
22. It clarifies that the State has exclusive jurisdiction over the regulation of all-terrain vehicles except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by the municipality; and
23. It establishes a lifetime trapping license and adjusts the cost of combination lifetime licenses to better reflect other fee structures.

Public Law 2003, chapter 403 was enacted as an emergency measure effective June 3, 2003.