

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 1660 **An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling** **PUBLIC 527**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-679

LD 1660 proposed to clarify that the term “residential dwelling” includes livestock barns in the law that prohibits the discharging of a firearm within 100 yards of a dwelling.

Committee Amendment "A" (H-679) proposed to replace the bill and to prohibit a person from discharging a firearm within 100 yards of a farm building used for sheltering livestock, machines or harvested crops.

Enacted Law Summary

Public Law 2003, chapter 527 prohibits a person from discharging a firearm within 100 yards of a farm building used for sheltering livestock, machines or harvested crops.

LD 1662 **An Act To Strengthen the Prohibition against Night Hunting** **PUBLIC 592**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-692 H-762 DUNLAP

LD 1662 proposed to make possession of night vision equipment an aggravating factor in the determination of a sentence and fine for night hunting, doubling the current penalty and mandating forfeiture of all equipment associated with the violation.

Committee Amendment "A" (H-692) proposed to replace the bill. It proposed to double the mandatory minimum penalty for night hunting in cases where night vision equipment was involved. It also proposed to exempt night vision equipment seized in connection with a night hunting violation from libel proceedings and proposed to clarify that the current exemption from libel proceedings for fishing equipment seized in connection with certain fishing violations would not include motorboats or motor vehicles. Additionally, this amendment proposed to incorporate changes made by Public Law 2003, chapter 333 in order to incorporate those changes into the new Maine Revised Statutes, Title 12, Part 13. Finally, the amendment proposed to clarify that raccoons may be hunted at night during the open season.

House Amendment "A" to Committee Amendment "A" (H-762) proposed to provide that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court would impose a sentencing alternative of not less than 3 days for the first offense, none of which could be suspended. It would also require that the court impose a fine of not less than \$2,000, none of which could be suspended. The amendment also proposed that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife

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laws commits a Class D crime for which the court would impose a sentencing alternative of not less than 6 days for the first offense, none of could be suspended, and of not less than 10 days for each succeeding offense, none of which could be suspended. This amendment would also require the court to impose a fine of not less than \$2,000, none of could be suspended.

Additionally, the amendment proposed that a hunting license of a person who is guilty of night hunting and found to have been in possession of night vision equipment at the time of the offense must be revoked, and that person would be ineligible to obtain a hunting license for a period of 5 years from the date of conviction.

Finally, the amendment proposed to change the definition of "night vision equipment" provided in the bill.

Enacted Law Summary

Public Law 2003, chapter 592 does the following:

1. It provides that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended. It also provides that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife laws commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended;
2. It requires the hunting license of a person who is convicted of night hunting and found to have been in possession of night vision equipment at the time of the offense be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction;
3. It exempts night vision equipment seized in connection with a night hunting violation from libel proceedings;
4. It clarifies that the current exemption from libel proceedings for fishing equipment seized in connection with certain fishing violations does not include motorboats or motor vehicles;
5. It incorporates changes made by Public Law 2003, chapter 333 in order to incorporate those changes into the new Maine Revised Statutes, Title 12, Part 13; and
6. It clarifies that raccoons may be hunted at night during the open season.