

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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Members:

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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 1675

An Act To Reestablish the Great Ponds Act

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	ONTP MAJ	
DAMON	OTP MIN	

LD 1675 proposed to establish a process for the review of recommendations submitted to the Commissioner of Inland Fisheries and Wildlife by a municipality or the Maine Land Use Regulation Commission to restrict the use of watercraft on great ponds within the jurisdiction of that municipality or the Maine Land Use Regulation Commission.

House Amendment "A" (H-876) proposed to make the following changes to the bill:

1. Require that nonresident taxpayers have notice of recommendations for regulation and that such nonresident taxpayers be afforded an opportunity to comment on those recommendations at a public forum;
2. Clarify that recommendations for regulation include limits on horsepower, vessel draft and type of watercraft and may apply to limited sections of the affected water body;
3. Authorize the Maine Land Use Regulation Commission to take into consideration, when assessing wildlife habitat and environmental values, any demonstration of threat to wildlife habitat not addressed by current law;
4. Strike that section of the bill that would enact a section of law that will be repealed as a result of Public Law 2003, chapter 414;
5. Establish an effective date of April 1, 2005 for that section of this legislation that would establish the process for review of recommendations regarding the restriction of watercraft on great ponds; and
6. Direct the Department of Inland Fisheries and Wildlife and the Office of Policy and Legal Analysis to develop an informational packet for municipalities to aid them in implementing the process that would be established for regulating watercraft on great ponds.

LD 1697

An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws

PUBLIC 552

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM	H-729 DUNLAP
DUNLAP		S-388

LD 1697 proposed to clarify certain parts of the recently recodified Maine Revised Statutes, Title 12 regarding moose permits and sentencing guidelines for permit violations. It proposed to clarify the number of turkeys a person may harvest during a turkey hunting season and penalties for violations. It also proposed to define "dipnet."

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Committee Amendment "A" (S-388) proposed to do the following:

1. Make hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;
2. Make the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;
3. Make the penalty for a violation of the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;
4. Clarify that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;
5. Prohibit a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;
6. Restructure the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions; and
7. Change the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime.

House Amendment "A" to Committee Amendment "A" (H-729) proposed to clarify current law that a person may keep more than one legally obtained bear, deer or wild turkey in that person's home at any time.

Enacted Law Summary

Public Law 2003, chapter 552 clarifies certain parts of the recently recodified Maine Revised Statutes, Title 12 as follows:

1. It defines "dipnet;"
2. It clarifies that a person may not hunt wild turkey after having killed or registered one during an open turkey season of that calendar year;
3. It makes hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;
4. It authorizes the Commissioner of Inland Fisheries and Wildlife to establish legal hunting times for wild turkey by rule;
5. It makes the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;
6. It makes the penalty for violating the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;

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7. It clarifies that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;
8. It prohibits a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;
9. It restructures the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions;
10. It changes the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime;
11. It clarifies current law that a person may keep more than one legally obtained bear, deer or wild turkey in that person's home at any time;
12. It reduces the penalty for certain moose hunting violations regarding permittees and subpermittees from a Class D crime to a Class E crime; and
13. It repeals certain provisions of the recodified Maine Revised Statutes, Title 12 to reflect changes enacted in Public Law 2003, chapter 655.

LD 1708

An Act Regarding the Operation of All-terrain Vehicles on Private Roads

ONTP

Sponsor(s)
GAGNON
CLARK

Committee Report
ONTP

Amendments Adopted

LD 1708 proposed to permit a landowner to:

1. Require that an operator of an ATV on a private road be a licensed driver;
2. Require that an operator of an ATV on a private road obey all the applicable rules of the road that other motor vehicles on that private road must obey, including, but not limited to, speed limits, rules governing lane usage and rules governing yielding the right-of-way; and
3. Place restrictions on the number of ATVs that may travel together in a group and the distance that groups must maintain between one another.

It also proposed to provide that if a landowner prohibits the operation of ATVs on a private road that landowner also must prohibit the operation of similar recreational vehicles on that private road.