

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:

*Sen. Bruce S. Bryant, Chair
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 1920

**An Act To Revise the Fish and Wildlife Laws To Complement the
Recodification of Those Laws**

PUBLIC 655

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-858 H-915 DUNLAP
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LD 1920 proposed to complement the Recodification of the laws relating to the Department of Fisheries and Wildlife accomplished in the First Regular Session of the 121st Legislature. The bill proposed to make various changes to ensure consistency in those laws, bring penalty provisions into compliance with current drafting standards and otherwise increase the clarity of those laws. The bill also proposed to make the various substantive changes to address issues, mainly ambiguities and inconsistencies in the law, identified during the Recodification process.

Committee Amendment "A" (H-858) proposed to amend the bill to make it effective on August 31, 2004. The Recodification was originally to take effect 90 days after the adjournment of the 2nd Regular Session; this was changed by Public Law 2003, chapter 614 to August 31, 2004. This amendment proposed to make this bill effective at the same time as the Recodification.

House Amendment "A" to Committee Amendment "A" (H-915) proposed to incorporate changes to the Recodification enacted during the 2nd Regular and 2nd Special Sessions to avoid conflicts between those laws and this bill. It also proposed to make the following changes:

1. Allow a person on a hunting trip in an unorganized township and staying at a temporary place of lodging to keep an unregistered bear, deer, moose or wild turkey at the temporary place of lodging for up to 7 days or until that person leaves the woods, whichever comes first. Additionally, it would require that an unregistered bear, deer, moose or wild turkey be transported in open view until the animal is registered. The amendment would define "open view" to mean that the animal can be readily observed in whole or in part from outside of the vehicle or trailer being used to transport the animal;
3. Amend the Maine Revised Statutes, Title 12, section 10502, subsection 2, dealing with property exempt from libel proceedings, to clarify that the exempt property is forfeited to the State upon conviction or adjudication of a violation under Title 12, section 10502, subsection 2.
4. Correct the standard fee for the resident combination hunting and fishing license to make it consistent with the current fee established under Title 12, section 7101;
5. Add an effective date the laws enacted during the 2nd Regular and 2nd Special Sessions that made changes to the Recodification (Public Law 2003, chapters 527, 552, 573, 587 and 592) so that those changes take effect on the same date as this bill (August 31, 2004);
6. Add an emergency preamble and emergency clause to the bill and make clarifications enacted by Public Law, Chapter 614 regarding lake and river protection sticker requirements effective upon approval of this Act (all other proportions would remain effective on August 31, 2004).

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2003, chapter 655 complements the Recodification of the laws relating to the Department of Inland Fisheries and Wildlife accomplished in the First Regular Session of the 121st Legislature: Public Law 2003, chapter 414. That Recodification also directed the Department of Inland Fisheries and Wildlife to work with the Office of Policy and Legal Analysis to develop recommendations to address legal ambiguities and other issues identified by the Office of Policy and Legal Analysis in its work on the Recodification that could not be addressed in Recodification and to submit a bill to the 2nd Regular Session of the 121st Legislature to resolve those issues. Public Law 2003, chapter 655 is the result of that work. Public Law 2003, chapter 655:

1. Resolves legal and substantive ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife in areas including but not limited to definitions, the duties and powers of the Commissioner of Inland Fisheries and Wildlife, the operating and financial affairs of the Department of Inland Fisheries and Wildlife, wardens, enforcement, licenses, hunting, trapping, commercial shooting areas, fishing, bait dealers, taxidermy, guides and trip leaders, whitewater rafting, wildlife importation, nuisance wildlife, wildlife sanctuaries, fish management, watercraft, snowmobiles and ATVs;
2. Resolves penalty ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife and brings penalty provisions into compliance with current drafting standards and the requirements of the Maine Criminal Justice Information System (i.e., all prohibited acts drafted so that each sanctionable offense is in its own discreet provision with its own discreet penalty provision);
3. Makes technical changes to further increase clarity and readability; and
4. Amends the effective date of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature that affect the recodified laws (Public Law 2003, chapters 527, 552, 573, 587 and 592) to make these effective on the same date as the Recodification. The Recodification originally had an effective date of 90 days after the adjournment of Second Regular Session of the 121st Legislature, however, the Legislature adjourned on January 30, 2004 ending the Second Regular Session earlier than anticipated necessitating a change to the effective date of the Recodification to avoid conflicts and unintended consequences. Public Law 2003, chapter 614 changed the effective date of the Recodification to August 31, 2004.

Public Law 2003, chapter 655 was enacted as an emergency. Those portions of Public Law 2003, chapter 655 that amended the effective dates of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature took effect on April 22, 2004. All other provisions of Public Law 2003, chapter 655 have an effective date of August 31, 2004.

LD 1932

An Act To Establish Family Fishing Days

**PUBLIC 662
EMERGENCY**

Sponsor(s)
DAVIS P

Committee Report
OTP-AM

Amendments Adopted
S-485

LD 1932 proposed to create a free fishing weekend for Mother's Day that would mirror the free fishing weekend for Father's Day.