

# 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](http://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*  
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## *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 121<sup>st</sup> 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 2<sup>nd</sup> Regular Session of the 121<sup>st</sup> 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 121<sup>st</sup> 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 121<sup>st</sup> 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 121<sup>st</sup> 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.

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

**Committee Amendment "A" (S-485)** proposed to replace the bill and the title of the bill. It proposed to establish "Family Fishing Days" as free fishing days and proposed to repeal the language making Father's Day weekend a free fishing weekend.

### *Enacted Law Summary*

Public Law 2003, chapter 662 creates "Family Fishing Days" as free fishing days and repeals the provision of law that makes Father's Day weekend a free fishing weekend.

Public Law 2003, chapter 662 was enacted as an emergency measure effective April 22, 2004.

**LD 1938**

**An Act Prohibiting Certain Bear Hunting Practices**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 1938 is an initiated bill and proposed to prohibit the use of bait to hunt or attract bear, the use of a dog to hunt or pursue bear and the use or setting of a trap to hunt or capture bear except under certain circumstances. It proposed to allow the use of bait, a dog or a trap for certain scientific purposes or if undertaken by state or federal employees to kill or capture a specific animal that threatened livestock, domestic animals, threatened or endangered wildlife, property or public safety. The bill also proposed to allow baiting if used in conjunction with the operation of a feeding station for bear by owners or operators of commercial timberland or their employees in order to prevent damage to commercial timberland.