

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Inland Fisheries and Wildlife*

August 2005

Members:

*Sen. Bruce S. Bryant, Chair
Sen. Joseph C. Perry
Sen. Chandler E. Woodcock*

*Rep. Thomas R. Watson, Chair
Rep. Walter A. Wheeler, Sr.
Rep. Stanley A. Moody*

*Rep. Jacqueline A. Lundeen
Rep. Troy D. Jackson
Rep. Mark E. Bryant
Rep. A. David Trahan
Rep. Earl E. Richardson
Rep. Richard M. Cebra
Rep. David E. Richardson*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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6. At least 80% of the prizes awarded are in the form of scholarships.

Committee Amendment "A" (H-137) proposed to replace the bill with an emergency measure that would establish a derby fishing permit for educational institutions that wish to hold fishing derbies and award prizes in excess of \$10,000 for a single fishing derby. Additionally, the amendment would establish the following permit restrictions.

1. Rules adopted by the commissioner pursuant to the Maine Revised Statutes, Title 12, section 12504 would be applicable to permits issued under the new derby permit section, except for rules limiting the cash value of prizes or concerning an ice fishing derby.
2. A derby could be conducted only in bodies of water free of ice and could not target cold water species.
3. A person could not participate as an angler in a derby unless that person was affiliated with the sponsoring educational institution, either as a student, a parent or sibling of a student, an alumnus or a staff member of the educational institution. A student could invite a single guest to participate in the derby.
4. At least 80% of the prizes awarded at a derby would be in the form of scholarships.
5. An angler participating in a derby could not use a motorboat or have more than one rod per person or more than 2 rods per boat and would be limited to fishing with artificial lures only.
6. A derby would have to be an event that is only catch and release or catch, measure and release.

Enacted law summary

Public Law 2005, chapter 96 establishes a derby fishing permit for educational institutions that wish to hold fishing derbies and award prizes in excess of \$10,000 for a single fishing derby. It provides a number of permit restrictions regarding how and when a derby may be conducted, form of prizes awarded and who may participate in such a derby.

Public Law 2005, chapter 96 was enacted as an emergency measure effective May 12, 2005.

LD 612

An Act To Authorize the Exchange of a Designated Hunting Season for Another Hunting Season for the Same Game Species

PUBLIC 74

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M DIAMOND	OTP-AM	H-112

LD 612 proposed to allow a person who holds a valid hunting permit to transfer that permit with a person who also holds a valid hunting permit. The bill would also require that the transfer take place prior to the start of a particular season.

Committee Amendment "A" (H-112) proposed to replace the bill. Current law allows a person who has been assigned a designated hunting area or zone by the department for purposes of hunting a game animal to exchange that designated zone or area with another person assigned a different hunting zone or area for the same game

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animal for purposes of hunting that same game animal. This amendment would allow a person to also exchange seasons for the same game animal.

Enacted law summary

Public Law 2005, chapter 74 expands the opportunities a person has to exchange hunting areas and zones for a specific species by authorizing a person to also exchange hunting seasons for the same species. Under current law, a person assigned a designated hunting area or zone by the Department of Inland Fisheries and Wildlife for purposes of hunting a certain species may exchange that designated zone or area with another person assigned a different hunting zone or area for the same species.

LD 628 **An Act To Amend the Bear Hunting Laws** **ONTP**

<u>Sponsor(s)</u> EBERLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 628 proposed to prohibit the hunting of bears with dogs and to authorize the Commissioner of Inland Fisheries and Wildlife to create and issue permits that would allow a person to kill or register a bear that was caught in another person's trap.

LD 651 **An Act Regarding Education of Certain Personal Watercraft Operators** **ONTP**

<u>Sponsor(s)</u> BRYANT B WHEELER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 651 proposed to require a person 12 to 15 years of age to satisfactorily complete a boating safety education course approved by the National Association of State Boating Law Administrators in order to operate a personal watercraft. A person 12 to 15 years of age who had satisfactorily completed an approved boating safety education course would be required to possess proof of completion and proof of age while operating a personal watercraft and to produce this proof upon request of a game warden or law enforcement officer authorized to enforce the State's watercraft laws.

LD 652 **An Act To Provide Free Antlerless Deer Permits to Persons 100 Years of Age or Older** **PUBLIC 75**

<u>Sponsor(s)</u> DIAMOND BRYANT M		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-70
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