

# 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.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1095**                      **An Act To Alter the Slot Limit Restriction for Fishing**                      **ONTP**

<u>Sponsor(s)</u> JACKSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1095 proposed to prohibit the Department of Inland Fisheries and Wildlife from setting a slot limit length requirement for fish caught on a body of water that had a 2-fish limit. The act also proposed to authorize the department to set a minimum length on any fish.

**LD 1104**                      **An Act To Design and Implement a Pilot Program for Improved Fishing on Mount Desert Island That May Serve as a Model for Maine**                      **ONTP**

<u>Sponsor(s)</u> KOFFMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1104 proposed to establish a pilot fisheries management program to restore, enhance and protect salmon, brook trout and alewives in the inland waters of Mount Desert Island and to serve as a possible model statewide. The Department of Inland Fisheries and Wildlife would be required to develop and implement the program in collaboration with the Department of Marine Resources and other appropriate federal, state and local government entities. The act proposed to require annual evaluation reports of the program to be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resources matters beginning March 31, 2006.

**LD 1131**                      **An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish**                      **PUBLIC 180**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> S-143
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LD 1131 proposed to name the eastern brook trout as the State's heritage fish and forbid without legislative approval the stocking of any brook trout water listed by the Department of Inland Fisheries and Wildlife as having not been stocked since 1937.

**Committee Amendment "A" (S-143)** proposed to replace the bill and to direct the Commissioner of Inland Fisheries and Wildlife to adopt by major substantive rule a list of lakes and ponds identified as native brook trout waters that have never been stocked. It would authorize the commissioner to add bodies of water to the initial list of native brook trout waters by routine technical rule if that body of water meets criteria established by the commissioner. It would also provide that the commissioner may remove a lake or pond from the list by major substantive rule. This amendment proposed to provide that the commissioner may not stock or issue a permit to

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stock fish in native brook trout water and makes the use or possession of live bait fish on such a lake or pond a Class E crime. Finally, the amendment would recognize the eastern brook trout as a Maine heritage fish.

### ***Enacted law summary***

Public Law 2005, chapter 180 recognizes the eastern brook trout as a Maine heritage fish and directs the Commissioner of Inland Fisheries and Wildlife to adopt by major substantive rule a list of lakes and ponds identified as native brook trout waters that have never been stocked. It authorizes the commissioner to add bodies of water to the initial list of native brook trout waters by routine technical rule if that body of water meets criteria established by the commissioner. It also provides that the commissioner may remove a lake or pond from the list by major substantive rule. Public Law 2005, chapter 180 prohibits the commissioner from stocking or issue a permit to stock fish in native brook trout waters and makes the use or possession of live bait fish on such a lake or pond a Class E crime.

**LD 1142**                      **Resolve, To Increase the Efficiency and Effectiveness of the Department of Inland Fisheries and Wildlife**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON BRYANT B	ONTP	

LD 1142 proposed to direct the Department of Inland Fisheries and Wildlife to implement specific recommendations of the Management Assistance Team assessment from June 2004.

**LD 1153**                      **An Act To Establish a Muzzle-loading Shotgun Season on Deer**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS DAVIS P	ONTP	

LD 1153 proposed to establish a muzzle-loading shotgun season on deer in the expanded archery areas of the State and after the archery season, as established by the Commissioner of Inland Fisheries and Wildlife. The muzzle-loading shotgun season would be in addition to the regular hunting season, and a deer tag would need to be purchased in addition to the other fees.

**LD 1176**                      **An Act Regarding Duties of Hunters Who Participate in the Expanded Archery Deer Hunting Season**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	ONTP	

LD 1176 proposed that a person hunting during the special archery-only deer hunting season would have a duty to return to the kill site upon request of a game warden and permit inspection of equipment used to harvest the deer.