

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Inland Fisheries and Wildlife*

July 2006

Members:

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

*Rep. Thomas R. Watson, Chair
Rep. Stanley A. Moody
Rep. Jacqueline A. Lundeen
Rep. Troy D. Jackson
Rep. A. David Trahan
Rep. Earl E. Richardson
Rep. Richard M. Cebra
Rep. David E. Richardson
Rep. Richard M. Sykes
Rep. Thomas B. Saviello*

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular 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 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 (Pocket Veto).....	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 August 23, 2006.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 2057

**An Act To Implement the Recommendations of the ATV Trail
Advisory Council**

PUBLIC 626

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-947

LD 2057 proposed to implement certain recommendations of the ATV Trail Advisory Council report as follows.

1. It would set the ATV registration fee at \$60 for both residents and nonresidents, except that the fee is \$30 if the applicant belongs to a Maine nonprofit organization that is recognized by the Department of Conservation as an organization that maintains ATV trails. The current ATV registration fee is \$33 for residents and \$68 for nonresidents.
2. It would provide the Commissioner of Inland Fisheries and Wildlife with the discretion to suspend all licenses and permits issued by the department for at least one year for certain violations of ATV laws. Current law mandates the suspension of licenses and permits for such violations.
3. It would raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and require a person less than 14 years of age to be accompanied by an adult even after the completion of the training course.
4. It would lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.
5. It would provide that an ATV could be operated on a public way for up to 500 yards if it could be done safely and without interfering with traffic approaching from either direction. Current law allows the operation of an ATV for up to 300 yards under certain conditions.

Committee Amendment "A" (H-947) proposed to do the following:

1. It would remove the provisions from the bill regarding ATV registration fees;
2. It would remove provisions of the bill that would amended the law regarding the training and age requirements for operating an ATV;
3. It would give the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and registrations were suspended, it would be for a period of at least 90 days;
4. It would require the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer; and
5. It would create 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications.

Joint Standing Committee on Inland Fisheries and Wildlife

House Amendment "A" to Committee Amendment "A" (H-961) proposed to raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and would require a person under 14 years of age to be accompanied by an adult even after the completion of the training course.

It would also lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.

Senate Amendment "A" to Committee Amendment "A" (S-564) proposed to raise the age limit for a person who must take an ATV safety course before operating an ATV from 16 to 19 years of age and would require a person under 14 years of age to be accompanied by an adult even after the completion of the training course.

It would also lower the age at which a person may cross a public way with an ATV from 16 to 14 years of age to make this provision consistent with snowmobile laws.

Enacted law summary

Public Law 2005, chapter 626 implements certain recommendations of the ATV Trail Advisory Council report as follows.

1. It gives the Commissioner of Inland Fisheries and Wildlife the discretion to suspend all licenses, permits and registrations issued under the Maine Revised Statutes, Title 12, Part 13 for operating an ATV on a temporarily closed trail or on the land of another without permission. If licenses and registrations are suspended, it must be for a period of at least 90 days;
2. It requires the Commissioner of Inland Fisheries and Wildlife to suspend for at least one year all licenses, permits and registrations issued pursuant to Title 12, Part 13 for ATV violations involving the abuse of another's property, operating an ATV under the influence under 21 years of age, operating an ATV to endanger, the reckless operation of an ATV or failing to stop for an officer;
3. It creates 4 part-time positions in the Department of Conservation to help with ATV club and trail development and landowner communications; and
4. It provides that an ATV may be operated on a public way for up to 500 yards if it can be done safely and without interfering with traffic approaching from either direction. Current law allows the operation of an ATV for up to 300 yards under certain conditions.

LD 2066

Resolve, Regarding Legislative Review of Portions of Chapter 1.03: Waters of Special Significance, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife

RESOLVE 172

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2066 proposed to provide for legislative review of portions of Chapter 1.03: Waters of Special Significance, a major substantive rule of the Department of Inland Fisheries and Wildlife.