

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON INLAND FISHERIES
AND WILDLIFE**

May 2008

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Inland Fisheries and Wildlife

5. Requires certain preparations for an emergency.

LD 1858 An Act To Protect Inland Water Access

DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON BRYANT B	OTP-AM MAJ ONTP MIN	H-689

LD 1858 was jointly referred to the Committee on Agriculture, Conservation and Forestry and the Committee on Inland Fisheries and Wildlife and requires a state agency to hold a public hearing on a state agency proposal to restrict, expand or change in any way access to inland waters.

Committee Amendment "A" (H-689)

This amendment limits the bill's public hearing requirement to only the restriction or expansion of public access to inland waters that was in existence on July 31, 2008.

LD 1979 An Act Regarding the Use of Designated State-approved ATV Trails

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ ONTP MIN	S-443

This bill is a concept draft pursuant to Joint Rule 208 and proposes to allow a landowner to decide who can cross the landowner's property with an all-terrain vehicle and still continue to receive the legal protection of the State.

Committee Amendment "A" (S-443)

This amendment replaces the concept draft and provides that a landowner may limit the use of a designated state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns. It also clarified that this new provision does not limit or expand a landowner's property rights.

Enacted Law Summary

Public Law 2007, chapter 509 provides that a landowner may limit the use of a designated state-approved ATV trail on that landowner's property through agreements with the State or an ATV club to address environmental, public safety or management concerns. It also clarified that this new provision does not limit or expand a landowner's property rights.

LD 1982 An Act To Amend Certain Provisions of the Fish and Wildlife Laws

PUBLIC 651 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-555 S-558 BRYANT B

This bill does the following:

1. Removes the current 3-month waiting period requirement to become a resident for purposes of obtaining a

Joint Standing Committee on Inland Fisheries and Wildlife

hunting, fishing or trapping license or registering a recreational vehicle to make those resident requirements consistent with other residency requirements in other provisions of law;

2. It removes an alien who has been domiciled in the State for one year from the definition of "resident;"
3. Allows the issuance of one lifetime license that covers all hunting licenses and permits;
4. Authorizes the Commissioner of Inland Fisheries and Wildlife to revoke any license, permit or registration issued to a person by the department who fails to pay the required fee;
5. Makes a registration fee change that was inadvertently omitted during recent fee adjustments. This makes the all-terrain vehicle transfer fee consistent with those for snowmobiles and watercraft; and
6. Gives the courts the ability to revoke hunting and fishing licenses of persons found guilty of dumping litter in wildlife management areas and sanctuaries.

Committee Amendment "A" (S-555)

This amendment does the following:

1. Restores the provision that the definition of "resident" under the fish and wildlife laws includes an alien who has been domiciled in the State for one year, which was inadvertently removed by the bill;
2. Repeals the laws establishing the Whitewater Safety Committee and puts the duties of that committee under the Advisory Board for the Licensing of Whitewater Guides;
3. Amends current law to clarify that the complimentary licenses issued to family members of a game warden killed in the line of duty include a trapping license and all licenses, permits, stamps and other permissions needed to hunt;
4. Clarifies that complimentary hunting licenses issued to resident disabled veterans include all licenses, permits, stamps and other permissions needed to hunt, fish and trap;
5. Provides that a person may operate a snowmobile registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the snowmobile online, whichever occurs first;
6. Provides a definition for "snowmobile trail" for purposes of the prohibition on operating a snowmobile left of the center on a snowmobile trail;
7. Changes the repeal date of the law that allows smelting on Mud Brook from July 1, 2009 to July 1, 2012; and
8. Repeals provisions of the law that require certain reports regarding endangered species, whitewater rafting, gill nets, the Maine Wildlife Park Fund and the Saco River Corridor Fund to be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

Senate Amendment "A" (S-558)

This amendment adds an emergency preamble and an emergency clause to the bill, making it effective upon approval.

Enacted Law Summary

Public Law 2007, chapter 651 does the following:

1. Removes the current 3-month waiting period requirement to become a resident for purposes of obtaining a

Joint Standing Committee on Inland Fisheries and Wildlife

- hunting, fishing or trapping license or registering a recreational vehicle to make those resident requirements consistent with other residency requirements in other provisions of law;
2. Allows the issuance of one lifetime license that covers all hunting licenses and permits;
 3. Authorizes the Commissioner of Inland Fisheries and Wildlife to revoke any license, permit or registration issued to a person by the department who fails to pay the required fee;
 4. Makes a registration fee change that was inadvertently omitted during recent fee adjustments. This makes the all-terrain vehicle transfer fee consistent with those for snowmobiles and watercraft;
 5. Gives the courts the ability to revoke hunting and fishing licenses of persons found guilty of dumping litter in wildlife management areas and sanctuaries;
 6. Repeals the laws establishing the Whitewater Safety Committee and puts the duties of that committee under the Advisory Board for the Licensing of Whitewater Guides;
 7. Amends current law to clarify that the complimentary licenses issued to family members of a game warden killed in the line of duty include a trapping license and all licenses, permits, stamps and other permissions needed to hunt;
 8. Clarifies that complimentary hunting licenses issued to resident disabled veterans include all licenses, permits, stamps and other permissions needed to hunt, fish and trap;
 9. Provides that a person may operate a snowmobile registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the snowmobile online, whichever occurs first;
 10. Provides a definition for "snowmobile trail" for purposes of the prohibition on operating a snowmobile left of the center on a snowmobile trail;
 11. Changes the repeal date of the law that allows smelting on Mud Brook from July 1, 2009 to July 1, 2012; and
 12. Repeals provisions of the law that require certain reports regarding endangered species, whitewater rafting, gill nets, the Maine Wildlife Park Fund and the Saco River Corridor Fund to be submitted to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

Public Law 2007, chapter 651 was enacted as an emergency measure effective April 18, 2008.

LD 2031 An Act To Amend the Laws Governing the Whitewater Rafting Allocation System

ONTP

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

LD 2031 changes the conditions under which a commercial whitewater outfitter's allocation for taking passengers on whitewater trips is subject to forfeiture or suspension by the Department of Inland Fisheries and Wildlife. The bill provides that an allocation is subject to forfeiture or suspension by the department only if the outfitter fails to maintain the conditions of its license or for the protection of public safety.