

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

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

July 2009

MEMBERS:

SEN. BRUCE S. BRYANT, CHAIR
SEN. TROY DALE JACKSON
SEN. A. DAVID TRAHAN

REP. HERBERT E. CLARK, CHAIR
REP. WALTER A. WHEELER, SR.
REP. JANE E. EBERLE
REP. SHERYL J. BRIGGS
REP. MICHAEL A. SHAW
REP. PAUL T. DAVIS, SR.
REP. EVERETT W. MCLEOD, SR.
REP. RALPH W. SARTY, JR.
REP. DALE J. CRAFTS
REP. THOMAS B. SAVIELLO

STAFF:

CURTIS C. BENTLEY, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



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 First Regular Session of the 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 70 An Act To Amend the Length Limits on Fish Caught on the Inland Waters

ONTP

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

LD 70 requires that length limits established for fish taken from any inland body of water of the State are the same during the open-water fishing season and when waters have been opened for ice fishing by the Commissioner of Inland Fisheries and Wildlife for that body of water.

LD 85 An Act To Simplify and Consolidate Maine's Fishing Laws and Rules

PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY	OTP-AM	S-128

LD 85 makes changes to the laws governing the season framework for open water and ice fishing to facilitate the Department of Inland Fisheries and Wildlife's simplifying and consolidating of open water and ice fishing seasons.

Committee Amendment "A" (S-128)

This amendment replaces the bill and amends the fishing laws to:

1. Exempt the rules adopted for open-water fishing and ice fishing from the 150-day limit for review by the Attorney General;
2. Repeal the prohibition on ice fishing at night;
3. Add drop nets to the list of fishing implements that are illegal to possess on or adjacent to inland waters except as otherwise provided in law;
4. Give the Commissioner of Inland Fisheries and Wildlife the ability to set, by rule, the open season for fishing in certain waters;
5. Exempt smelt wholesale dealers from using certain fishing implements to harvest smelts that are otherwise illegal;
6. Repeal the requirement that rules adopted by the commissioner that set forth the special fishing regulations for inland waters must include a list of waters where a person under 12 years of age may fish with a single-baited hook and line;
7. Authorize the Department of Inland Fisheries and Wildlife to stock Big Reed Pond in Piscataquis County with native fish species;
8. Remove language concerning the continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County;

Joint Standing Committee on Inland Fisheries and Wildlife

9. Remove the requirement that whenever the last day of open-water fishing season falls on a Saturday, the season is extended one day to include the following Sunday;
10. Remove the provision that allows the commissioner by rule to extend the open-water fishing season as long as such an extension does not pose a threat to the fishery because this authority is no longer needed;
11. Provide that a person must keep fishing lines during the open-water fishing season under the immediate supervision of that person;
12. Provide that a person may not leave an ice shack on the ice of any inland waters past April 1st of each year; and
13. Remove the prohibition against placing an ice shack on the ice of inland water more than 3 days before the start of ice fishing season.

Enacted Law Summary

Public Law 2009, chapter 214 amends the fishing laws to:

1. Exempt the rules adopted for open-water fishing and ice fishing from the 150-day limit for review by the Attorney General;
2. Repeal the prohibition on ice fishing at night;
3. Add drop nets to the list of fishing implements that are illegal to possess on or adjacent to inland waters except as otherwise provided in law;
4. Give the Commissioner of Inland Fisheries and Wildlife the ability to set, by rule, the open season for fishing in certain waters;
5. Exempt smelt wholesale dealers from using certain fishing implements to harvest smelts that are otherwise illegal;
6. Repeal the requirement that rules adopted by the commissioner that set forth the special fishing regulations for inland waters must include a list of waters where a person under 12 years of age may fish with a single-baited hook and line;
7. Authorize the Department of Inland Fisheries and Wildlife to stock Big Reed Pond in Piscataquis County with native fish species;
8. Remove language concerning the continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County;
9. Remove the requirement that whenever the last day of open-water fishing season falls on a Saturday, the season is extended one day to include the following Sunday;
10. Remove the provision that allows the commissioner by rule to extend the open-water fishing season as long as such an extension does not pose a threat to the fishery because this authority is no longer needed;
11. Provide that a person must keep fishing lines during the open-water fishing season under the immediate supervision of that person;
12. Provide that a person may not leave an ice shack on the ice of any inland waters past April 1st of each year; and

Joint Standing Committee on Inland Fisheries and Wildlife

13. Remove the prohibition against placing an ice shack on the ice of inland water more than 3 days before the start of ice fishing season.

LD 88 An Act To Permit Personal Watercraft on Lake St. George in Liberty ACCEPTED ONTP REPORT

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

LD 88 allows personal watercraft to be operated on Lake St. George in Liberty.

Committee Amendment "A" (S-45)

This amendment is a minority report. It changes the fine structure for certain violations of watercraft operation laws from fines of not less than \$100 or more than \$500 to a minimum fine of \$500.

LD 124 An Act To Remove Game Sanctuary Status for Certain Lands in the Town of Orrington PUBLIC 4

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP	

LD 124 removes game sanctuary status for certain lands in the Town of Orrington.

Enacted Law Summary

Public Law 2009, chapter 4 removes game sanctuary status for certain lands in the Town of Orrington. Public Law 2009, chapter 269 enacted later in this session restores the game sanctuary status for this property.

LD 132 An Act To Clarify Hunting and Trapping Laws for Youth PUBLIC 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT B	OTP-AM	S-46

LD 132 amends the hunting and trapping laws to:

1. Provide penalties for adult supervisors, parents and guardians of minors who violate the laws governing fishing, hunting and trapping;
2. Conform the age requirement for licensure of nonresident anglers to that of resident anglers in accordance with an effort by the Department of Inland Fisheries and Wildlife to make fishing laws more consistent; and