

MAINE STATE LEGISLATURE

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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

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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

a strategy for amending the Constitution of Maine to protect funding for those programs administered by the department that are not related to hunting, fishing or trapping. It also requires the Department of Inland Fisheries and Wildlife to report its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010 and authorizes that committee to submit legislation to the Second Regular Session of the 124th Legislature regarding matters contained in the report.

LD 241 An Act To Create an Additional Hunting Season for Bear

**ACCEPTED ONTP
REPORT**

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

LD 241 is a concept draft pursuant to Joint Rule 208. This bill proposes to establish an additional open hunting season for bear to be held in the spring.

Committee Amendment "A" (S-48)

This amendment is the minority report of the committee and turns the bill into a resolve directing the Commissioner of Inland Fisheries and Wildlife to create a spring bear hunting season by rule.

**LD 244 Resolve, To Ensure Transparency in Funding Certain Programs within
the Department of Inland Fisheries and Wildlife**

RESOLVE 38

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-65

LD 244 directs the Commissioner of Inland Fisheries and Wildlife to identify programs and functions within the Department of Inland Fisheries and Wildlife that are not directly related to an activity that requires a license, permit or registration issued by the department and to develop a plan to create a new division within the department to house those programs and functions. It also provides that the commissioner shall develop draft legislation to implement the plan and to specify that funding for the new division must come from General Fund revenues not subject to the Constitution of Maine, Article IX, Section 22. The plan and draft legislation must be submitted to the Joint Standing Committee on Inland Fisheries and Wildlife no later than 20 days from the effective date of this resolve.

Committee Amendment "A" (S-65)

This amendment replaces the resolve and requires the Commissioner of Inland Fisheries and Wildlife to develop a methodology to articulate how Department of Inland Fisheries and Wildlife activities have benefited the general public and to determine what the general public expects from the department. The methodology must also allow the department to readily determine any new financial requirements or mandates on the department that require expenditures by the department that are not funded by the General Fund other than money subject to the Constitution of Maine, Article IX, Section 22 or by other special revenues or federal funds. It also requires the Commissioner of Inland Fisheries and Wildlife to report the methodology to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010.

Enacted Law Summary

Joint Standing Committee on Inland Fisheries and Wildlife

Resolve 2009, chapter 38 requires the Commissioner of Inland Fisheries and Wildlife to develop a methodology to articulate how Department of Inland Fisheries and Wildlife activities have benefited the general public and to determine what the general public expects from the department. The methodology must also allow the department to readily determine any new financial requirements or mandates on the department that require expenditures by the department that are not funded by the General Fund other than money subject to the Constitution of Maine, Article IX, Section 22 or by other special revenues or federal funds. It also requires the Commissioner of Inland Fisheries and Wildlife to report the methodology to the Joint Standing Committee on Inland Fisheries and Wildlife by January 5, 2010.

**LD 253 An Act To Amend the Laws Governing Alien Big Game and Turkey
Hunters and Nonresident Hunters**

PUBLIC 390

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD SHERMAN	OTP-AM A OTP-AM B ONTP C	H-396

LD 253 repeals the requirement that an alien big game hunter be accompanied by a guide licensed by the State.

Committee Amendment "B" (H-397)

This amendment is the minority report of the committee and replaces the bill. It repeals the current prohibition on aliens hunting big game in the State without a guide and provides that an alien residing in New Brunswick or Quebec may not hunt big game or wild turkey in Maine without being accompanied by a licensed guide. Current law provides that a nonresident may not hunt bear with the use of dogs unless that person employs and hunts with a resident Maine guide and it limits the number of nonresident clients a guide can hunt with under that provision to 3 hunters. This amendment increases that number to 5.

Committee Amendment "A" (H-396)

This amendment replaces the bill. It repeals the current prohibition on aliens hunting big game in the State without a guide and provides that an alien residing in New Brunswick or Quebec may not hunt big game or wild turkey in Maine without being accompanied by a licensed guide unless that alien has written authorization from the Commissioner of Inland Fisheries and Wildlife to hunt big game or wild turkey without a guide. The commissioner may not grant such authority unless the alien owns or leases real property in the State, is current on the property taxes for that land and keeps that owned or leased property open for hunting by the public. If an alien meets those criteria, the commissioner must provide written permission to hunt big game or wild turkey in Maine without a guide to that alien and the alien's immediate family members who also hold a Maine hunting license.

Current law provides that a nonresident may not hunt bear with the use of dogs unless that person employs and hunts with a resident Maine guide and it limits the number of nonresident clients a guide can hunt with to 3 hunters. This amendment increases that number to 5.

Enacted Law Summary

Public Law 2009, chapter 390 repeals the current prohibition on aliens hunting big game in the State without a guide and provides that an alien residing in New Brunswick or Quebec may not hunt big game or wild turkey in Maine without being accompanied by a licensed guide unless that alien has written authorization from the Commissioner of Inland Fisheries and Wildlife to hunt big game or wild turkey without a guide. It provides that the commissioner may not grant such authority unless the alien owns or leases real property in the State, is current on the property taxes for that land and keeps that owned or leased property open for hunting by the public. If an alien meets those criteria the commissioner must provide written permission to hunt big game or wild turkey in Maine without a guide to that alien and the alien's immediate family members who also hold a Maine hunting license. Current law provides