

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2009

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**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

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</sup> 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 124<sup>th</sup> 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 415 An Act to Regulate Swim Areas on Inland Waters

PUBLIC 312

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON GOOLEY	OTP-AM	H-304

LD 415 prohibits the use of swim line-floats or regulatory markers for the purpose of protecting swimmers by a person other than a governmental entity or commercial campground that has obtained an organized swim area permit issued by the director. It defines "organized swim area" and "water safety zone." LD 415 makes a violation of any rule or notice posted at a public boat launch facility or otherwise published by the Department of Conservation, Bureau of Parks and Lands and the marking of waters contrary to rules of the Director of the Bureau of Parks and Lands civil violations. LD 415 makes mooring of a watercraft beyond the water safety zone to a buoy, beacon or permanent structure placed by the State; intentionally destroying, defacing, damaging, moving or sinking a buoy, beacon or marking device floating on the waters of the State or permanently fixed to land or structures adjacent to water; and mutilating or destroying a notice at a public facility Class E crimes.

### Committee Amendment "A" (H-304)

This amendment replaces the bill and does the following.

1. It provides that a person may not place or maintain a swim line or developed swim area without a permit issued by the Director of the Bureau of Parks and Lands within the Department of Conservation.
2. It provides that the director may issue a permit for a developed swim area only to a qualified entity and defines "qualified entity" to mean a camping area, recreational camp or governmental entity or governmentally sponsored group.
3. It requires the director to establish by rule a fee for the permits, except that a developed swim area established and operated by the State or a governmental entity or a recreational camp may not be charged a fee and its permit does not expire as long as no alterations to the developed swim area are made after the permit is issued.
4. It expressly states that the provisions of the amendment may not be construed to affect private property rights or the State's ownership rights over inland waters.
5. It provides that a municipally appointed inland harbor master, code enforcement officer or law enforcement officer has the primary responsibility for enforcement of developed swim areas and makes a violation a civil violation for each day a violation occurs. After 3 or more violations within a 5-year period, subsequent violations are Class E crimes.

### Enacted Law Summary

Public Law 2009, chapter 312 does the following.

1. It provides that a person may not place or maintain a swim line or developed swim area without a permit issued by the Director of the Bureau of Parks and Lands within the Department of Conservation.
2. It provides that the director may issue a permit for a developed swim area only to a qualified entity and defines "qualified entity" to mean a camping area, recreational camp or governmental entity or governmentally sponsored group.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

3. It requires the director to establish by rule a fee for the permits, except that a developed swim area established and operated by the State or a governmental entity or a recreational camp may not be charged a fee and its permit does not expire as long as no alterations to the developed swim area are made after the permit is issued.
  
4. It expressly states that the provisions of this law may not be construed to affect private property rights or the State's ownership rights over inland waters.
  
5. It provides that a municipally appointed inland harbor master, code enforcement officer or law enforcement officer has the primary responsibility for enforcement of developed swim areas and makes a violation a civil violation for each day a violation occurs. After 3 or more violations within a 5-year period, subsequent violations are Class E crimes.

**LD 457      An Act Regarding Nuisance Beaver**

**ONTP**

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

Under current law, a municipality that wishes to remove a nuisance beaver must hire an animal control agent licensed by the Department of Inland Fisheries and Wildlife to trap the nuisance beaver. LD 457 requires the Commissioner of Inland Fisheries and Wildlife to authorize a municipality to remove nuisance beaver by hunting if the municipality demonstrates that beaver-related activities have repeatedly jeopardized the integrity of a public road.

**LD 482      An Act To Limit the Use of Seaplanes on West Harbor Pond**

**ONTP**

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

LD 482 prohibits the use of seaplanes on West Harbor Pond in Boothbay Harbor except for a person who owns property on the pond.

**LD 505      Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Pertaining to Youth Spring Wild Turkey Hunting Day**

**ONTP**

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

LD 505 requires the Department of Inland Fisheries and Wildlife to amend its rules pertaining to the youth spring wild turkey hunting day so that a youth may hunt on that day without a license or a wild turkey permit.