

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

LD 751 directs the Commissioner of Inland Fisheries and Wildlife to transfer the Phillips Fish Hatchery in Phillips to the Sandy River Land Trust.

LD 800 *Resolve, To Establish a Landlocked Salmon Enhancement Pilot Project*

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAMON | ONTP | |

LD 800 directs the Department of Inland Fisheries and Wildlife to develop a landlocked salmon enhancement pilot project designed to allow the harvest of salmon while at the same time protecting and enhancing the wild salmon population, producing trophy fish and determining the maximum attainable age of salmon.

LD 807 *An Act To Improve and Promote Maine's Landlocked Salmon Resources*

Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DAMON | | |

LD 807 provides that:

1. By no later than July 1, 2014 that no fewer than 75 inland waters containing landlocked salmon will be managed to produce salmon that exceed 4 pounds in weight;
2. By October 1, 2009, the Commissioner of Inland Fisheries and Wildlife will initiate a pilot project to stock Echo Lake and Eagle Lake on Mount Desert Island with only fall fingerling hatchery salmon on an alternate-year basis and the rule-making process to restrict salmon fishing to catch and release on one or more waters where salmon is the primary fishery; and
3. By October 1, 2009, the Commissioner of Inland Fisheries and Wildlife will initiate a 5-year experimental program to enhance landlocked salmon brood stock by taking landlocked salmon eggs from salmon brood stock that is 5 years of age or older and develop a new landlocked salmon brood stock source composed of wild salmon.

This bill was carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

LD 811 *An Act To Amend Certain Provisions of Fish and Wildlife Laws*

PUBLIC 340

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BRYANT B | OTP-AM | S-168 |

LD 811 amends the laws governing inland fisheries and wildlife as follows.

Joint Standing Committee on Inland Fisheries and Wildlife

1. It removes reference to the "Bureau of Administrative Services" from statute as most of the functions are now within the natural resource service center within the Department of Inland Fisheries and Wildlife. The functions that are remaining are licensing, registration and engineering, which are placed within the Division of Licensing, Registration and Engineering.
2. It adds the responsibility for land acquisition to the duties of the Bureau of Resource Management.
3. It clarifies that the newly established apprenticeship hunter license cannot be used by persons selected for moose permits who have never hunted but applied for a permit, and clarifies that persons who have held any type of license, including a junior license, may not purchase the apprenticeship hunter license.
4. It amends the existing law regarding submerged vehicles, snowmobiles and motorboats to enable the State to require the removal of an abandoned barge.
5. It requires a person doing damage to another person's property on a snowmobile to provide upon request the person's registration certificate to the property owner.
6. It makes online registration for ATVs consistent with snowmobiles, allowing a person to operate an ATV with the receipt from registering the ATV online until the person receives the certificate in the mail.
7. It eliminates the need to provide plates for temporary boat and ATV registrations, which is consistent with the law regarding snowmobiles.
8. It increases from \$10 to \$100 the value of items that are exempt from libel proceedings and adds archery equipment to items that are subject to forfeiture if used to commit violations of fish and wildlife laws.
9. It enhances enforcement of noise level limits on snowmobile and all-terrain vehicles that have been modified.
10. It makes the laws regarding placement of blinds, structures and stands consistent, whether temporary or permanent, and for all uses.
11. It increases from \$1 to \$2 the per passenger user fee imposed on outfitters carrying passengers on rapidly flowing rivers.
12. It changes the timeframe for when allocations are required on the West Branch Penobscot River from June 1st to August 31st to July 1st to August 31st.
13. It prohibits the discharging of muzzle-loading firearms or hunting wild birds or wild animals within 100 yards of a building or dwelling.

Committee Amendment "A" (S-168)

This amendment:

1. Provides that the Commissioner of Inland Fisheries and Wildlife may allow authorized anglers who assist in the removal of invasive fish species to sell those fish;
2. Clarifies that the Commissioner of Inland Fisheries and Wildlife may award a cash prize for the winning entry selected in the migratory waterfowl permit design contest;
3. Removes the provisions of the bill regarding the placement of tree stands, blinds or structures on the land or on the ice of inland waters;

Joint Standing Committee on Inland Fisheries and Wildlife

4. Includes the registration of recreational vehicles in the provisions of law regarding a suspended or revoked license or permit;
5. Clarifies that if a person is chosen in the moose hunting lottery, that person may not then purchase an apprentice hunting license to satisfy the licensing requirements to receive the moose permit;
6. Removes the proposed prohibition on hunting within 100 yards of a building;
7. Amends the definition of "building" for purposes of the prohibition against discharging a firearm or crossbow within 100 yards of a building to clarify that it includes a building that is designed to be occupied by people or domesticated animals;
8. Provides that a person may not carry a firearm during the open trapping season for the purpose of dispatching trapped animals if that person is prohibited from possessing a firearm under the Maine Revised Statutes, Title 15, section 393 and has not obtained a valid permit to carry a firearm;
9. Clarifies that the holder of a smelt wholesale dealer's license may use a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice;
10. Removes the provision of the bill that increases the whitewater rafting user fee by \$1 per person; and
11. Clarifies that the operator of a snowmobile involved in an accident that results in property damage must provide certain information to the property owner if that property owner can be identified.

Enacted Law Summary

Public Law 2009, chapter 340:

1. Removes reference to the "Bureau of Administrative Services" from statute as most of the functions are now within the natural resource service center within the Department of Inland Fisheries and Wildlife. The functions that are remaining are licensing, registration and engineering, which are placed within the Division of Licensing, Registration and Engineering;
2. Adds the responsibility for land acquisition to the duties of the Bureau of Resource Management;
3. Clarifies that if a person is chosen in the moose hunting lottery, that person may not then purchase an apprentice hunting license to satisfy the licensing requirements to receive the moose permit;
4. Clarifies that persons who have held any type of license, including a junior license, may not purchase the apprenticeship hunter license;
5. Amends the existing law regarding submerged vehicles, snowmobiles and motorboats to enable the State to require the removal of an abandoned barge;
6. Provides that the operator of a snowmobile involved in an accident that results in property damage must provide certain information to the property owner if that property owner can be identified;
7. Makes online registration for ATVs consistent with snowmobiles, allowing a person to operate an ATV with the receipt from registering the ATV online until the person receives the certificate in the mail;
8. Eliminates the need to provide plates for temporary boat and ATV registrations, which is consistent with the law regarding snowmobiles;

Joint Standing Committee on Inland Fisheries and Wildlife

9. Increases from \$10 to \$100 the value of items that are exempt from libel proceedings. It also adds archery equipment to items that are subject to forfeiture if used to commit violations of fish and wildlife laws;
10. Enhances enforcement of noise level limits on snowmobile and all-terrain vehicles that have been modified;
11. Changes the timeframe for when allocations are required on the West Branch Penobscot River from June 1st to August 31st to July 1st to August 31st;
12. Provides that the Commissioner of Inland Fisheries and Wildlife may allow authorized anglers who assist in the removal of invasive fish species to sell those fish;
13. Clarifies that the Commissioner of Inland Fisheries and Wildlife may award a cash prize for the winning entry selected in the migratory waterfowl permit design contest;
14. Includes the registration of recreational vehicles in the provisions of law regarding a suspended or revoked license or permit;
15. Amends the definition of "building" for purposes of the prohibition against discharging a firearm or crossbow within 100 yards of a building to clarify that it includes a building that is designed to be occupied by people or domesticated animals;
16. Provides that a person may not carry a firearm during the open trapping season for the purpose of dispatching trapped animals if that person is prohibited from possessing a firearm under the Maine Revised Statutes, Title 15, section 393 and has not obtained a valid permit to carry a firearm; and
17. Clarifies that the holder of a smelt wholesale dealer's license may use a drop net, a lift net or hook and line to take up to 8 quarts of smelts through man-made openings in the ice while fishing on the ice.

LD 822 An Act To Expand Turkey Hunting Opportunities

ONTP

Sponsor(s)

PIOTTI

Committee Report

ONTP

Amendments Adopted

LD 822 amends the wild turkey hunting laws as follows.

1. It requires the Commissioner of Inland Fisheries and Wildlife to establish and set the bag limit for the fall and spring seasons at 2 wild turkeys per permit holder per season.
2. It requires the Commissioner of Inland Fisheries and Wildlife to issue upon application a complimentary wild turkey hunting permit to a person holding a valid junior hunting license.
3. It exempts a wild turkey harvested by a junior hunter during a youth wild turkey hunting day from bag limits.
4. It eliminates the current \$20 resident and \$47 nonresident wild turkey hunting permit fees and creates a single \$25 wild turkey hunting permit fee for both residents and nonresidents.
5. It sets the wild turkey hunting hours between 1/2 hour before sunrise and 1/2 hour after sunset.
6. It directs the Commissioner of Inland Fisheries and Wildlife to adopt a registration system that allows a hunter to