

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
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

July 2011

MEMBERS:

SEN. THOMAS H. MARTIN, JR., CHAIR
SEN. A. DAVID TRAHAN
SEN. JOHN L. PATRICK

REP. PAUL T. DAVIS, SR., CHAIR
REP. RALPH W. SARTY, JR.
REP. DALE J. CRAFTS
REP. ELEANOR M. ESPLING
REP. STACEY K. GUERIN
REP. STEPHEN J. WOOD
REP. HERBERT E. CLARK
REP. JANE E. EBERLE
REP. SHERYL J. BRIGGS
REP. MICHAEL A. SHAW

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
125TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Inland Fisheries and Wildlife

infant lifetime licenses by January 5, 2015 to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

LD 112 **An Act To Discourage Illegal Dumping in the State**

PUBLIC 208

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DIAMOND	OTP-AM	H-97 S-113 MARTIN T

This bill allows a court to order the surrender of any license, permit, certification or registration issued by any department or agency of the State held by a person who violates the Maine Litter Control Act.

Committee Amendment "A" (H-97)

This amendment replaces the bill and does the following.

1. It increases the fine for subsequent offenses of illegally disposing of 15 pounds or less or 27 cubic feet or less of litter from a minimum of \$200 to \$500 and the maximum from \$500 to \$1,000.
2. It amends the fine structure for subsequent offenses of illegally disposing of 15 pounds or more or 27 cubic feet or more of litter by increasing the minimum fine to \$2,000.
3. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to pay a party sustaining damages treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees.
4. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to perform not less than 100 hours of public service relating to the removal of litter.
5. It provides that the court, when practical, shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to remove the litter.
6. It provides that in the case of a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter, the court shall suspend that person's motor vehicle operator's license and certain licenses, permits and registrations issued by the Department of Inland Fisheries and Wildlife. The court may also suspend any license, permit, registration or certification issued by a state agency or municipality to the person. It exempts a professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment unless the items dumped were related to the person's profession or occupation.
7. It provides that the Department of Inland Fisheries and Wildlife's Landowners and Sportsmen Relations Advisory Board shall establish a program to work with courts to identify public service opportunities for violators of litter control laws that could improve landowner and sportsman relations.

Senate Amendment "B" To Committee Amendment "A" (S-113)

This amendment changes the suspension of a motor vehicle operator's license for illegal dumping as specified in Committee Amendment "A" from a mandatory penalty to an optional penalty. It also clarifies that a motor vehicle operator's license may not be suspended by the court if it is necessary for the person's primary source of

Joint Standing Committee on Inland Fisheries and Wildlife

employment unless the dumping was related to the person's operator's license.

Enacted Law Summary

Public Law 2011, chapter 208 does the following:

1. It increases the fine for subsequent offenses of illegally disposing of 15 pounds or less or 27 cubic feet or less of litter from a minimum of \$200 to \$500 and the maximum from \$500 to \$1,000;
2. It amends the fine structure for subsequent offenses of illegally disposing of 15 pounds or more or 27 cubic feet or more of litter by increasing the minimum fine to \$2,000;
3. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to pay a party sustaining damages treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees;
4. It provides that the court shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to perform not less than 100 hours of public service relating to the removal of litter;
5. It provides that the court, when practical, shall require a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter to remove the litter;
6. It provides that in the case of a person who illegally dumps more than 15 pounds or more than 27 cubic feet of litter, the court may suspend that person's motor vehicle operator's license for a period of not less than 30 days or more than one year and requires the court to suspend certain licenses, permits and registrations issued by the Department of Inland Fisheries and Wildlife. The court may also suspend any license, permit, registration or certification issued by a state agency or municipality to the person. It exempts a motor vehicle operator's license, professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment unless the items dumped were related to the person's profession or occupation; and
7. It provides that the Department of Inland Fisheries and Wildlife's Landowners and Sportsmen Relations Advisory Board shall establish a program to work with courts to identify public service opportunities for violators of litter control laws that could improve landowner and sportsman relations.

LD 133 An Act To Extend Native American Hunting Rights

ONTP

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

Under current law, a member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs over 10 years of age may obtain a free lifetime hunting, trapping and fishing license that includes all permits, stamps and other permission needed to hunt, trap and fish. Holders of such a license are subject to the same laws as other holders of hunting, trapping or fishing licenses with respect to trespassing on the land of others. This bill permits a member of any other federally recognized tribe who is a resident of this State to receive the same license.