

MAINE STATE LEGISLATURE

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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

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STATE OF MAINE
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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

LD 1072 An Act To Establish a Coyote Bounty Permit

**DIED IN
CONCURRENCE**

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

This bill establishes a coyote bounty permit. It establishes registration stations, tags and a bounty of \$10 for each coyote registered.

Committee Amendment "A" (H-248)

This amendment incorporates a fiscal note.

LD 1080 An Act To Ban the Use of Traps and Dogs in Bear Hunting

ONTP

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

This bill prohibits the use of a dog to hunt or pursue bear and the use or setting of a trap to hunt or capture bear except under certain circumstances. The use of a dog or a trap is permitted for certain scientific purposes or if undertaken by state or federal employees to kill or capture a specific animal that threatens livestock, domestic animals, threatened or endangered wildlife, property or public safety.

LD 1084 An Act To Amend Certain Provisions of Maine Fish and Wildlife Laws

**PUBLIC 253
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T	OTP-AM MAJ OTP-AM MIN	S-245

This bill does the following:

1. It changes the name of the Department of Inland Fisheries and Wildlife, Division of Licensing, Registration and Engineering to the Division of Licensing and Registration and enacts a new Division of Engineering;
2. It broadens the law that provided for increased fines in Washington County for hunting or possessing antlerless deer to cover any wildlife management district where antlerless deer permits have not been issued due to decreased deer populations;
3. It prohibits leaving an ice fishing shack on a landowner's shorefront without permission and allows that landowner to remove the shack after April 1st;

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4. It broadens to residents of other states the Commissioner of Inland Fisheries and Wildlife's authority to revoke, suspend or refuse to issue a license to a person who has killed, wounded or recklessly endangered the safety of another human being while hunting;
5. It no longer requires that whenever a license or permit to hunt is in the form of a stamp, the licensee has to affix the stamp on the license and sign it;
6. It clarifies that a person may not obtain or possess a license or permit through fraud, misstatement or misrepresentation;
7. It clarifies that a person who is 70 years of age and holds a valid senior lifetime license at any time during the calendar year that the person turns 70 years of age is entitled to all hunting permits and licenses;
8. It modifies the current tree stand laws to include all types of stands that people use for hunting, such as freestanding tripods, rather than just stands that are attached to trees;
9. It enables the enforcement of the laws regarding the placement of bear bait. Currently a person can claim that the person did not place the bait and therefore is not in violation of any laws;
10. It requires persons operating ATVs who are required to have completed a training course to provide proof of having completed that course upon request by a law enforcement officer;
11. It changes the laws regarding submitting to chemical tests when involved in an accident while hunting or on a recreational vehicle to mirror similar laws in the Maine Revised Statutes, Title 29-A;
12. It includes currency in the items that must be forfeited by violators of fish and wildlife laws;
13. The Atlantic State Marine Fisheries Commission is reducing the alewife harvest along the entire eastern seaboard. This bill establishes a daily bag limit of 25 alewives; this change keeps the limit consistent with the department rules;
14. It reduces the fee a nonresident must pay to exchange a 15-day nonresident fishing license for an annual license to the difference between the 15-day license and the annual license and \$2 to the clerk or issuing agent;
15. It authorizes the commissioner to allow nonresidents to trap beaver in designated wildlife management districts where a higher harvest is necessary;
16. It clarifies that reptiles cannot be taken for commercial purposes;
17. It prohibits baiting moose;
18. It clarifies that a person who holds a 2nd spring wild turkey permit may take only one turkey per day; and
19. It changes the term "rabbits" to "snowshoe hare" in the provisions regarding the training of dogs on game.

Committee Amendment "A" (S-245)

This amendment, which is the majority report does the following:

1. It makes the newly established Division of Engineering equal in organizational level to the other divisions and bureaus within the Department of Inland Fisheries and Wildlife;
2. It clarifies that currency used in the violation of a fish and wildlife law is contraband and subject to seizure by

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law enforcement;

3. It clarifies that a portable blind used on the ground that remains in the physical possession of the hunter is not considered a portable observation stand for purposes of landowner permission;
4. It amends the section of the bill regarding a person who holds a valid senior lifetime license and turns 70 years of age to remove the word "entitled" and provides that all hunting licenses and permits are included in the lifetime license at that time;
5. It clarifies that the Commissioner of Inland Fisheries and Wildlife may bring a complaint in the District Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of a person who the commissioner has reason to believe has killed, wounded or recklessly endangered the safety of another person while hunting regardless of where the incident took place;
6. It provides that a person must obtain a permit from the commissioner to harvest nonmarine invertebrates for commercial purposes;
7. It makes changes to the membership of the Advisory Board for the Licensing of Taxidermists;
8. It adds 2 dams to the list of dams at which fishing in or from the fishway is prohibited and provides a definition of an operational fishway;
9. It allows the cage-type trap for trapping bears and removes the statutory requirements for marking bear traps;
10. It requires that records retained by smelt or baitfish dealers be open for inspection by the Commissioner of Inland Fisheries and Wildlife;
11. It establishes 13 more state-owned wildlife management areas; and
12. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue additional moose hunting permits for the 2011 moose hunting season.

Committee Amendment "B" (S-246)

This amendment is the minority report and includes the provisions of Committee Amendment "A" but also allows a person to hunt wild turkeys between sunrise and sunset.

Enacted Law Summary

Public Law 2011, chapter 253 does the following:

1. It changes the name of the Department of Inland Fisheries and Wildlife, Division of Licensing, Registration and Engineering to the Division of Licensing and Registration and enacts a new Division of Engineering;
2. It broadens the law that provided for increased fines in Washington County for hunting or possessing antlerless deer to cover any wildlife management district where antlerless deer permits have not been issued due to decreased deer populations;
3. It prohibits leaving an ice fishing shack on a landowner's shorefront without permission and allows that landowner to remove the shack after April 1st;
4. It broadens to residents of other states the Commissioner of Inland Fisheries and Wildlife's authority to

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revoke, suspend or refuse to issue a license to a person who has killed, wounded or recklessly endangered the safety of another human being while hunting;

5. It no longer requires that whenever a license or permit to hunt is in the form of a stamp, the licensee has to affix the stamp on the license and sign it;

6. It clarifies that a person may not obtain or possess a license or permit through fraud, misstatement or misrepresentation;

7. It clarifies that a person who is 70 years of age and holds a valid senior lifetime license at any time during the calendar year the person turns 70 years of age that license contains all hunting permits and licenses;

8. It modifies the current tree stand laws to include all types of stands that people use for hunting, such as freestanding tripods, rather than just stands that are attached to trees but does not include a portable blind used on the ground that remains in the physical possession of the hunter;

9. It enables the enforcement of the laws regarding the placement of bear bait. Currently a person can claim that the person did not place the bait and therefore is not in violation of any laws;

10. It requires persons operating ATVs who are required to have completed a training course to provide proof of having completed that course upon request by a law enforcement officer;

11. It changes the laws regarding submitting to chemical tests when involved in an accident while hunting or on a recreational vehicle to mirror similar laws in the Maine Revised Statutes, Title 29-A;

12. It provides that currency used in the violation of a fish and game law is contraband and is subject to seizure by law enforcement;

13. The Atlantic State Marine Fisheries Commission is reducing the alewife harvest along the entire eastern seaboard. This bill establishes a daily bag limit of 25 alewives; this change keeps the limit consistent with the department rules;

14. It reduces the fee a nonresident must pay to exchange a 15-day nonresident fishing license for an annual license to the difference between the 15-day license and the annual license and \$2 to the clerk or issuing agent;

15. It authorizes the Commissioner of Inland Fisheries and Wildlife to allow nonresidents to trap beaver in designated wildlife management districts where a higher harvest is necessary;

16. It clarifies that reptiles cannot be taken for commercial purposes and that a person must obtain a permit from the commissioner to harvest nonmarine invertebrates for commercial purposes;

17. It prohibits baiting moose;

18. It clarifies that a person who holds a 2nd spring wild turkey permit may take only one turkey per day;

19. It changes the term "rabbits" to "snowshoe hare" in the provisions regarding the training of dogs on

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game;

20. It makes changes to the membership of the Advisory Board for the Licensing of Taxidermists;

21. It adds 2 dams to the list of dams at which fishing in or from the fishway is prohibited and provides a definition of an operational fishway;

22. It allows the cage-type trap for trapping bears and removes the statutory requirements for marking bear traps;

23. It requires that records retained by smelt or baitfish dealers be open for inspection by the Commissioner of Inland Fisheries and Wildlife;

24. It establishes 13 more state-owned wildlife management areas; and

25. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue additional moose hunting permits for the 2011 moose hunting season.

Public Law 2011, chapter 253 was enacted as an emergency measure effective June 8, 2011.

LD 1113 An Act To Encourage Fishing for Individuals with Disabilities

**PUBLIC 355
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS WOODBURY	OTP-AM	H-382 H-505 STRANG BURGESS

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to allow the caregiver of an individual entitled to a free fishing license because of a disability, when that disability limits that individual's ability to fish independently, to assist that individual's fishing without being required to obtain a fishing license.

Committee Amendment "A" (H-382)

This amendment replaces the bill and does the following:

1. It adds an emergency preamble and emergency clause to the bill; and
2. It provides that the Commissioner of Inland Fisheries and Wildlife may allow a person to accompany and assist a blind resident, a paraplegic resident, a resident disabled veteran, a person with an acquired brain injury, a patient or inmate residing in a state institution or a person with a developmental disability who has a complimentary fishing license to fish without obtaining a separate fishing license.

House Amendment "A" To Committee Amendment "A" (H-505)

Under Committee Amendment "A," a person with mental retardation, as defined, is included in the list of persons who may receive a complimentary fishing license and have a person's assistance while fishing. This amendment revises the definition to provide a complimentary fishing license to a person with a developmental disability.