

# 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**  
126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

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

July 2013

**STAFF:**

AMY WINSTON, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**MEMBERS:**

SEN. DAVID E. DUTREMBLE, CHAIR  
SEN. ANNE M. HASKELL  
SEN. DAVID C. BURNS

REP. MICHAEL A. SHAW, CHAIR  
REP. SHERYL J. BRIGGS  
REP. KAREN KUSIAK  
REP. TIMOTHY I. MARKS  
REP. STANLEY BYRON SHORT, JR.  
REP. PAUL T. DAVIS, SR.  
REP. DALE J. CRAFTS  
REP. ELEANOR M. ESPLING  
REP. STEPHEN J. WOOD  
REP. JEFFREY EVANGELOS

# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<sup>th</sup> 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 126<sup>th</sup> Legislature is October 9, 2013. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARKS	OTP-AM	H-542 H-547   SHAW

This bill requires the Commissioner of Inland Fisheries and Wildlife to establish a 6-day spring youth hunting season for wild turkey. The season must run from Monday to Saturday in April and coincide with a time when public schools are not in session.

**Committee Amendment "A" (H-542)**

This amendment does the following.

1. It requires the establishment of a spring youth hunting day for wild turkey during which hunting is allowed beginning 30 minutes before sunrise and ending 30 minutes after sunset. The season must take place on the Saturday prior to the start of the spring wild turkey hunting season.
2. It reduces the tagging fee from \$5 to \$2 per wild turkey and directs registration agents to retain the \$2 tagging fees they collect.
3. It directs the Commissioner of Inland Fisheries and Wildlife to establish a spring wild turkey hunting season during which a person may take up to two male wild turkeys and a fall wild turkey hunting season during which a person to take up to two wild turkeys of either sex. During the spring open season a person may take wild turkeys with a crossbow, bow and arrow or shotgun.
4. It provides that the hours for the spring wild turkey hunting season are from 30 minutes before sunrise until 30 minutes after sunset. This provision is repealed at the end of the spring 2016 season.

**House Amendment "A" To Committee Amendment "A" (H-547)**

This amendment changes the title of the bill. It delays the changes to the fall wild turkey hunt and to the fee for a wild turkey hunting permit until 2014. It allows a person to take two wild turkeys regardless of sex during the spring open season rather than two male turkeys as provided in Committee Amendment "A." It also changes a reference to the youth wild turkey hunting season to reflect the fact that it is limited to one day.

**Enacted Law Summary**

Public Law, chapter 387 does the following.

1. It expands the spring youth hunting day for wild turkey to allow hunting beginning 30 minutes before sunrise and ending 30 minutes after sunset. It also requires that the season take place on the Saturday prior to the start of the spring wild turkey hunting season.
2. It reduces the tagging fee from \$5 to \$2 per wild turkey and directs registration agents to retain the \$2 tagging fees they collect.
3. It directs the Commissioner of Inland Fisheries and Wildlife to establish a spring wild turkey hunting season during which a person may take up to two male wild turkeys and a fall wild turkey hunting season during which a person to take up to two wild turkeys of either sex beginning in 2014. During the spring open season a person may take wild turkeys with a crossbow, bow and arrow or shotgun.

*Joint Standing Committee on Inland Fisheries and Wildlife*

4. It provides that the hours for the spring wild turkey hunting season are from 30 minutes before sunrise until 30 minutes after sunset. This provision is repealed at the end of the spring 2016 season.

See also LD 1015.

**LD 201      An Act To Permit Tribal Members To Hunt Any Animal or Bird at Any Time for Sustenance      INDEF PP**

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

This bill provides that, notwithstanding other laws governing inland fisheries and wildlife, an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs may hunt for, take and possess any wild animal or bird at any time for sustenance use. "Sustenance use" includes all noncommercial consumption or noncommercial use by the enrolled member or the enrolled member's immediate family or within the enrolled member's household.

**Committee Amendment "A" (H-202)**

This amendment, which is the minority report, replaces the bill. The amendment applies the provisions of the bill only to enrolled members of the Houlton Band of Maliseet Indians and limits the exercise of rights in the bill to public land in Aroostook County. The amendment also requires that the hunting activity be conducted with best efforts to comply with all fish and wildlife laws and rules, and it does not apply to a species identified as endangered under state or federal law. This amendment was not adopted.

**LD 202      An Act To Permit Tribal Members To Fish at Any Time for Sustenance      INDEF PP**

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

This bill provides that, notwithstanding other laws governing inland fisheries and wildlife, an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs may fish for, take and possess any fish at any time for sustenance use. "Sustenance use" includes all noncommercial consumption or noncommercial use by the enrolled member or the enrolled member's immediate family or within the enrolled member's household.

**Committee Amendment "A" (H-209)**

This amendment, which is the minority report, replaces the bill. The amendment applies the provisions of the bill only to enrolled members of the Houlton Band of Maliseet Indians and limits the exercise of rights in the bill to public land in Aroostook County. The amendment also requires that the hunting activity be conducted with best efforts to comply with all fish and wildlife laws and rules, and it does not apply to a species identified as endangered under state or federal law. This amendment was not adopted.