

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH 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

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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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th 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.

Joint Standing Committee on Inland Fisheries and Wildlife

instead creates joint authority for the two commissioners for the fishways currently under the exclusive jurisdiction of the Commissioner of Marine Resources.

Finally, this amendment directs the Commissioner of Inland Fisheries and Wildlife to provide a report on eastern brook trout B List waters to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2014 and authorizes the committee to report out a bill related to its review of the commissioner's report.

Enacted Law Summary

Public Law 2013, chapter 358 makes changes to strengthen the fishing laws as follows.

1. It separates provisions governing bass fishing tournaments and provisions governing fishing derby permits.
2. It gives the Commissioner of Inland Fisheries and Wildlife the authority to place conditions and restrictions on derby permits and bass tournament permits. The bill also makes the violation of any condition or restriction placed on a derby permit or a bass tournament permit a civil violation, and it authorizes the commissioner to revoke a permit, refuse to issue a permit or refuse to allow the participation of any person in cases involving a violation of a condition or restriction placed on a derby permit or a bass tournament permit.
3. It clarifies that any fish caught for a fishing derby, if it is to be retained solely for derby purposes, must be killed immediately and becomes part of the participant's daily bag limit.
4. It creates joint authority for the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources over fishways in dams and other artificial obstructions in tidal waters under the Maine Revised Statutes, Title 12, section 6121, which under current law is under the exclusive jurisdiction of the Commissioner of Marine Resources.
5. It authorizes the Commissioner of Inland Fisheries and Wildlife to stock native fish species in Big Wadleigh Pond in Piscataquis County.
6. It allows the use of live bait on Millimagassett Lake, Millinocket Lake, Little Millinocket Lake and Webster Lake. It also directs the Commissioner of Inland Fisheries and Wildlife to adopt rules for the use of live bait on waters that contain state heritage fish and have not been stocked since January 1, 1988.
7. It enhances penalties for noncompliance with the requirements for the importation, transportation and possession of live freshwater fish and freshwater fish gametes, not including bait fish, by creating a 5-year revocation of licenses issued under the Inland Fisheries and Wildlife laws.
8. It directs the Commissioner of Inland Fisheries and Wildlife to provide a report on eastern brook trout B List waters to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2014 and authorizes the committee to report out a bill related to its review of the commissioner's report.

LD 1225 An Act To Strengthen Maine's Wildlife Laws

**PUBLIC 280
EMERGENCY**

Sponsor(s)

BURNS

Committee Report

OTP-AM

Amendments Adopted

S-173

This bill makes changes to Maine's wildlife laws for the purpose of strengthening wildlife populations. It adds rock doves to the list of wild birds that may be hunted, and it adds bear, moose and wild turkey to the list of wild animals a person is prohibited to feed. The bill adds language to clarify that the Commissioner of Inland Fisheries and Wildlife's extension of the open season for bird hunting in certain sections of the State that had been closed by

Joint Standing Committee on Inland Fisheries and Wildlife

proclamation must conform to federal guidelines for migratory game bird species. It adds a provision regarding unlawful possession of ruffed grouse. The bill also directs the Commissioner of Inland Fisheries and Wildlife to establish a task force to consider the effect of the importation and possession of wildlife and the issues of possession and exhibition of wildlife in the State.

Committee Amendment "A" (S-173)

This amendment adds an emergency preamble and emergency clause to the bill. It clarifies that rock doves, also known as "rock pigeons" and which the bill adds to the list of wild birds that may be hunted, are not included in the definition of "migratory game bird." It repeals the Maine Revised Statutes, Title 12, section 12051, subsection 2, which requires a permit to take rock doves from the wild for the purpose of training dogs since a rock dove is not a migratory game bird. It makes further changes to the laws regarding the placement of bear bait to prohibit hunting, trapping, molesting or harassing wildlife, using chemicals or releasing dogs in the vicinity of existing bait sites. It also requires nonresidents hunting bear with the use of a dog or dogs to be within visual and voice contact of a resident Maine guide. Finally, it makes the penalty for violation of hunting bear over another person's bait without permission a mandatory hunting license revocation.

Enacted Law Summary

Public Law 2013, chapter 280 makes changes to Maine's wildlife laws for the purpose of strengthening wildlife populations.

It clarifies that rock doves, also known as "rock pigeons," which the bill adds to the list of wild birds that may be hunted, are not included in the definition of "migratory game bird." It repeals the Maine Revised Statutes, Title 12, section 12051, subsection 2, which requires a permit to take rock doves from the wild for the purpose of training dogs since a rock dove is not a migratory game bird. It also adds language to clarify that the Commissioner of Inland Fisheries and Wildlife's extension of the open season for bird hunting in certain sections of the State that had been closed by proclamation must conform to federal guidelines for migratory game bird species. It also adds a provision regarding unlawful possession of ruffed grouse.

Also, Public Law 2013, chapter 280 adds bear, moose and wild turkey to the list of wild animals a person is prohibited to feed. It directs the Commissioner of Inland Fisheries and Wildlife to establish a task force to consider the effect of the importation and possession of wildlife and the issues of possession and exhibition of wildlife in the State. It makes further changes to the laws regarding the placement of bear bait to prohibit hunting, trapping, molesting or harassing wildlife, using chemicals or releasing dogs in the vicinity of existing bait sites. It also requires nonresidents hunting bear with the use of a dog or dogs to be within visual and voice contact of a resident Maine guide. Finally, it makes the penalty for violation of hunting bear over another person's bait without permission a mandatory hunting license revocation.

Public Law 2013, chapter 280 was enacted as an emergency measure effective June 18, 2013.

LD 1248 An Act To Establish Trail Standards in Deer Wintering Areas

ONTP

Sponsor(s)

DUNPHY

Committee Report

ONTP

Amendments Adopted

This bill directs the Commissioner of Inland Fisheries and Wildlife, in consultation with the Maine Land Use Planning Commission and the Commissioner of Agriculture, Conservation and Forestry, to adopt rules that establish standards for the construction of trails in deer wintering areas. This bill also directs the Maine Land Use Planning Commission to incorporate these standards for the construction of trails in deer wintering areas in the State's land use standards.