

# MAINE STATE LEGISLATURE

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**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

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE

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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 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.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 1264 An Act Allowing the Harvesting of Yellow Perch with Seines**

**PUBLIC 148**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT THOMAS	OTP-AM	H-172

This bill allows the Commissioner of Inland Fisheries and Wildlife to adopt rules to issue a permit allowing a person to use seines to fish for and possess yellow perch.

**Committee Amendment "A" (H-172)**

This amendment removes the emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2013, chapter 148 allows the Commissioner of Inland Fisheries and Wildlife to adopt rules to issue a permit allowing a person to use seines to fish for and possess yellow perch.

**LD 1265 An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act**

**PUBLIC 189**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS DUTREMBLE	OTP	

This bill requires the Commissioner of Inland Fisheries and Wildlife to ensure that revenue raised by the Department of Inland Fisheries and Wildlife is not diverted to any purpose other than administration of the department in accordance with the Constitution of Maine, Article IX, Section 22. That constitutional provision prohibits the diversion of revenue collected from license and permit fees; fines; the sale, lease or rental of property; penalties; and any other revenue source related to the Department of Inland Fisheries and Wildlife.

**Enacted Law Summary**

Public Law 2013, chapter 189 requires the Commissioner of Inland Fisheries and Wildlife to ensure that revenue raised by the Department of Inland Fisheries and Wildlife is not diverted to any purpose other than administration of the department in accordance with the Constitution of Maine, Article IX, Section 22. That constitutional provision prohibits the diversion of revenue collected from license and permit fees; fines; the sale, lease or rental of property; penalties; and any other revenue source related to the Department of Inland Fisheries and Wildlife.

**LD 1303 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Preserve Hunting and Fishing**

**DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE GOODALL	OTP-AM ONTP	H-420

This resolution proposes to amend the Constitution of Maine to provide that the citizens of Maine have the personal right to hunt, fish and harvest wildlife, subject to laws and rules that promote wildlife conservation and preserve the future of hunting and fishing, and to provide that public hunting and fishing are a preferred means of managing and controlling wildlife.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

### **Committee Amendment "A" (H-420)**

This amendment, which is the majority report of the committee, strikes the constitutional amendment language in the bill and replaces it with constitutional language to forever preserve hunting and fishing and the taking of wildlife subject to regulation for the public good. The amendment also excludes from laws that may be proposed in a citizen initiative laws governing hunting and fishing that would limit hunting or fishing. Additionally, the amendment changes the ballot question to reflect this new language.

#### **LD 1374 An Act To Allow a Person To Hunt with a Crossbow during the Archery-only Deer Season**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP OTP	

This bill allows crossbows to be used during the regular archery-only season and allows a person with a valid permit to hunt bear, moose and wild turkey with a crossbow without obtaining a crossbow hunting license.

See enacted law summary for LD 1015.

#### **LD 1398 An Act To Facilitate a Pilot Program for Sunday Hunting for Residents Only**

**ONTP**

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

This bill allows a person with a resident junior hunting license or a resident hunting license to hunt wild animals or wild birds on the last Sunday during the open hunting season. This provision is repealed in two years. The bill is contingent on approval by the voters in a referendum at the general election in November.

#### **LD 1399 An Act To Provide for the Aroostook Band of Micmacs Certain Rights Regarding Hunting, Fishing and Wildlife Management**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill provides the Aroostook Band of Micmacs the same authority to regulate hunting, fishing and wildlife management as that of the Passamaquoddy Tribe and the Penobscot Nation and provides upon request each member of the Aroostook Band of Micmacs a moose permit allowing the member to take one moose per year.

### **Committee Amendment "A" (H-289)**

This amendment, which is the minority report of the committee, replaces the bill with a provision that requires the Commissioner of Inland Fisheries and Wildlife to issue 12 moose hunting permits to the Aroostook Band of Micmacs and 12 moose hunting permits to the Houlton Band of Maliseet Indians for sustenance or ceremonial tribal use by members of those tribes. This amendment was not adopted.