

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2014

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STAFF:

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

STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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

Invasive Aquatic Plant and Nuisance Species Fund in the Department of Environmental Protection and reduces from 40% to 20% the percentage of these fees that is dedicated to the Lake and River Protection Fund in the Department of Inland Fisheries and Wildlife. It requires the Commissioner of Environmental Protection to use at least 20% of the money in the Invasive Aquatic Plant and Nuisance Species Fund for eradication activities. It allocates funds from the Inland Fisheries and Wildlife Carrying Account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund in an amount equal to the reduction in funding to the Lake and River Protection Fund caused by the reduction in the percentage of fees dedicated to the fund for the current biennium.

Enacted Law Summary

Public Law 2013, chapter 580 increases from 60% to 80% the percentage of fees for watercraft operating on the inland waters of the State and for lake and river protection stickers that is dedicated to the Invasive Aquatic Plant and Nuisance Species Fund in the Department of Environmental Protection, and reduces from 40% to 20% the percentage of these fees that is dedicated to the Lake and River Protection Fund in the Department of Inland Fisheries and Wildlife. It requires the Commissioner of Environmental Protection to use at least 20% of the money in the Invasive Aquatic Plant and Nuisance Species Fund for eradication activities. It allocates funds from the Inland Fisheries and Wildlife Carrying Account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund in an amount equal to the reduction in funding to the Lake and River Protection Fund caused by the reduction in the percentage of fees dedicated to the fund for the current biennium.

Public Law 2014, chapter 580 was enacted as an emergency measure effective April 29, 2014.

LD 1667

An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws

**PUBLIC 538
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE	OTP-AM	S-474 H-806 SHAW

This bill makes the following changes to inland fisheries and wildlife laws.

1. It eliminates the delinquency fee charged to agents of the Department of Inland Fisheries and Wildlife who sell licenses and registrations for the department but fail to remit the funds within 60 days.
2. It clarifies changes made by Public Law 2013, chapter 236 (LD 1015) to the laws regarding hunting with a crossbow.
3. It clarifies a change made to the law regarding resident junior hunting licenses to specify that the license does not exempt the holder from having to comply with the requirements of the lottery process, including those of the lottery for an antlerless deer permit.
4. It corrects an error made in Public Law 2013, chapter 408 (LD 1435), which amended the qualifications for an antlerless deer permit for a person with a disability and inadvertently removed from eligibility a person who is suffering from the permanent loss of use of both lower limbs.
5. It adds the discharge of a bow and arrow to the prohibition against discharging a weapon over or near a public paved way.
6. It resolves a conflict created by Public Law 2013, chapters 380 (LD 932) and 408 (LD 1435), which repealed the same provisions of law regarding nonresident junior fishing licenses, except that chapter 380 delayed the repeal

Joint Standing Committee on Inland Fisheries and Wildlife

until January 1, 2015 to minimize the fiscal impact to the department. The conflict is resolved by delaying the repeal until January 1, 2015, as in chapter 380.

Committee Amendment "A" (S-474)

This amendment adds the following provisions to the bill.

1. It changes the libel proceedings statute by adding an exemption for a person who is found hunting after revocation to allow a law enforcement officer to seize hunting equipment without following the libel proceedings for hunting with a suspended or revoked license.
2. It creates a mandatory fee of \$25 to reinstate a license after a suspension.
3. It clarifies that the time frame for which a person is ineligible to obtain any license issued by the Department of Inland Fisheries and Wildlife following a conviction for disturbing traps is three years from the date of conviction for a first offense and five years following the date of conviction for a second or subsequent offense. Current law makes it a mandatory license revocation of any license in effect at the time of the violation for disturbing traps.
4. It adds unlawfully hunting or possessing an antlerless deer in wildlife management areas, in which no antlerless deer permits are issued, to the list of offenses that are subject to mandatory license revocation. It also makes hunting or fishing with a suspended or revoked license subject to mandatory hunting license revocation for a minimum of one year.
5. It exempts a person who loses a license under the interstate wildlife violator compact as a result of a conviction occurring out of state from the requirement that the person complete Maine's outdoor ethics course in order to have the Maine license reinstated once the person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.
6. It reallocates the provision of law regarding the outdoor ethics course.
7. It exempts a person who applies for a Maine apprentice hunter license from the requirement to take a hunter safety course as otherwise required by law.
8. It amends the junior hunting, apprentice hunting and junior trapping laws in order to make them more consistent and, in the context of the provisions for the supervision of junior hunters and junior trappers, clearly defines "in the presence of" to include visual and voice contact that does not include the use of technology, including but not limited to binoculars and citizen band radios.
9. It repeals Public Law 2013, chapter 437 (LD 738), section 1, which established moose permits for hunting lodges, and, for purposes of entry into the moose permit lottery and allocation of moose lottery permits, defines "hunting outfitter" to include sporting camp owner-operators who are licensed to provide package deals for food, lodging and the services of a guide. It prohibits the sale or transfer of the permit by a hunter who receives it through a hunting outfitter.
10. It removes the restriction against discharging a bow and arrow or causing a projectile to pass as a result of that discharge, within 100 yards of a building or residential dwelling without permission from the building's owner or occupant or owner's authorized representative.
11. It repeals the law requiring a grouse hunter to label ruffed grouse the hunter harvested when travelling within or through the unorganized territory.
12. It corrects a reference to junior hunting licenses in the provision on hunter safety requirements to consistently use the term "junior" when referring to a hunting license for people between 10 and 16 years of age.

Joint Standing Committee on Inland Fisheries and Wildlife

13. It requires the Commissioner of Inland Fisheries and Wildlife to provide an annual report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters documenting any rulemaking actions taken to amend the list of waters containing state heritage fish adopted by the commissioner by rule. It also changes the designation of rules governing the removal of waters from the list from major substantive to routine technical.

14. It adds an emergency preamble and emergency clause.

House Amendment "A" (H-806)

Public Law 2013, chapter 368 (LD 1509) authorized the transfer of \$150,000 to fund security improvements and renovations at the Gray headquarters facility. This amendment, instead, authorizes the funds to be used for the construction of a new headquarters facility in Gray.

Enacted Law Summary

Public Law 2013, chapter 538 amends Maine's inland fisheries and wildlife laws as follows.

1. It eliminates the delinquency fee charged to agents of the Department of Inland Fisheries and Wildlife who sell licenses and registrations for the department but fail to remit the funds within 60 days.
2. It clarifies changes made by Public Law 2013, chapter 236 to the laws regarding hunting with a crossbow.
3. It clarifies a change made to the law regarding resident junior hunting licenses to specify that the license does not exempt the holder from having to comply with the requirements of the lottery process, including those of the lottery for an antlerless deer permit.
4. It corrects an error made in Public Law 2013, chapter 408, which amended the qualifications for an antlerless deer permit for a person with a disability and inadvertently removed from eligibility a person who is suffering from the permanent loss of use of both lower limbs.
5. It adds the discharge of a bow and arrow to the prohibition against discharging a weapon over or near a public paved way.
6. It resolves a conflict created by Public Law 2013, chapters 380 and 408, which repealed the same provisions of law regarding nonresident junior fishing licenses, except that chapter 380 delayed the repeal until January 1, 2015. The conflict is resolved by delaying the repeal until January 1, 2015, as in chapter 380.
7. It changes the libel proceedings statute by adding an exemption for a person who is found hunting after revocation to allow a law enforcement officer to seize hunting equipment without following the libel proceedings for hunting with a suspended or revoked license.
8. It creates a mandatory fee of \$25 to reinstate a license after a suspension.
9. It clarifies that the time frame for which a person is ineligible to obtain any license issued by the Department of Inland Fisheries and Wildlife following a conviction for disturbing traps is three years from the date of conviction for a first offense and five years following the date of conviction for a second or subsequent offense.
10. It adds unlawfully hunting or possessing an antlerless deer in wildlife management areas in which no antlerless deer permits are issued, to the list of offenses that are subject to mandatory license revocation. It also makes hunting or fishing with a suspended or revoked license subject to mandatory hunting license revocation for a minimum of one year.

Joint Standing Committee on Inland Fisheries and Wildlife

11. It exempts a person who loses a license under the interstate wildlife violator compact as a result of a conviction occurring out of state from the requirement that the person complete Maine's outdoor ethics course in order to have the Maine license reinstated once the person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.
12. It reallocates the provision of law regarding the outdoor ethics course.
13. It exempts a person who applies for a Maine apprentice hunter license from the requirement to take a hunter safety course as otherwise required by law.
14. It amends the junior hunting, apprentice hunting and junior trapping laws in order to make them more consistent and, in the context of the provisions for the supervision of junior hunters and junior trappers, clearly defines "in the presence of" to include visual and voice contact that does not include the use of technology, including but not limited to binoculars and citizen band radios.
15. It repeals and re-enacts Public Law 2013, chapter 437, section 1, which established moose permits for hunting lodges, and, for purposes of entry into the moose permit lottery and allocation of moose lottery permits, defines "hunting outfitter" to include sporting camp owner-operators who are licensed to provide package deals for food, lodging and the services of a guide. It prohibits the sale or transfer of the permit by a hunter who receives it through a hunting outfitter.
16. It removes the restriction against discharging a bow and arrow, or causing a projectile to pass as a result of that discharge, within 100 yards of a building or residential dwelling without permission from the building's owner or occupant or owner's authorized representative.
17. It repeals the law requiring a grouse hunter to label ruffed grouse the hunter harvested when travelling within or through the unorganized territory.
18. It corrects a reference to junior hunting licenses in the provision on hunter safety requirements to consistently use the term "junior" when referring to a hunting license for people between 10 and 16 years of age.
19. It requires the Commissioner of Inland Fisheries and Wildlife to provide an annual report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters documenting any rule-making actions taken to amend the list of waters containing state heritage fish adopted by the commissioner by rule. It also changes the designation of rules governing the removal of waters from the list from major substantive to routine technical.
20. It authorizes \$150,000, which was allocated in Public Law 2013, chapter 368, for security improvements and facility renovations at the Department of Inland Fisheries and Wildlife headquarters in Gray, to be used instead for construction of a new headquarters facility in Gray.

Public Law 2013, chapter 538 was enacted as an emergency measure effective April 10, 2014.

LD 1695 An Act Regarding Fishways

PUBLIC 499

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE KATZ	OTP-AM	H-673

This bill reduces the distance from the fishway in Webber Pond in Vassalboro within which a person may not fish from 150 feet to 25 feet, to allow fishing from the nearby town dock area.