

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2015

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STAFF:

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

STATE OF MAINE

127TH 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 127th 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i>	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is October 15, 2015. 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

This resolve allows the Department of Inland Fisheries and Wildlife to spend up to \$200,000 from the department's carrying account during the 2016-2017 biennium to purchase fish to stock the inland waters of the State.

Committee Amendment "A" (S-171)

This amendment increases the amount the Department of Inland Fisheries and Wildlife may spend from the department's carrying account during fiscal year 2015-16 for fish stocking purposes from \$200,000, as in the resolve, to \$700,000 and authorizes the department to use that money:

1. To contract for an engineering study to upgrade the Grand Lake Stream Fish Hatchery. The study must include an analysis of the feasibility and cost of a new cold water supply to that hatchery to raise fall yearly brook trout;
2. To contract for an engineering study for the construction of a new fish hatchery in the State. The study must include a comparative analysis on whether the State can best achieve its fish stocking objectives through the construction of a new fish hatchery or through upgrades to existing state-owned fish hatcheries; and
3. To use any remaining funds to purchase fish to stock the inland waters of the State.

This amendment also requires the Department of Inland Fisheries and Wildlife to submit a report, including any findings and recommendations, to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2016.

Enacted Law Summary

Resolve 2015, chapter 53 authorizes the Department of Inland Fisheries and Wildlife to spend up to \$700,000 from the department's carrying account during the 2016-2017 biennium to purchase fish to stock the inland waters of the State. It also authorizes the department to use that money:

1. To contract for an engineering study to upgrade the Grand Lake Stream Fish Hatchery. The study must include an analysis of the feasibility and cost of a new cold water supply to that hatchery to raise fall yearly brook trout;
2. To contract for an engineering study for the construction of a new fish hatchery in the State. The study must include a comparative analysis on whether the State can best achieve its fish stocking objectives through the construction of a new fish hatchery or through upgrades to existing state-owned fish hatcheries; and
3. To use any remaining funds to purchase fish to stock the inland waters of the State.

Resolve 2015, chapter 53 requires the Department of Inland Fisheries and Wildlife to submit a report, including any findings and recommendations, to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2016.

LD 1225

An Act Concerning Swim Area Permits

PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DAVIS	OTP-AM OTP-AM	H-307

This bill provides that a person may not establish or maintain a swim line or a developed swim area unless the length of the developed swim area or of the area delineated by a swim line is equal to or less than 50 percent of the entire length of the shore frontage of the property from which the developed swim area or the area delineated by a swim line extends or 200 feet, whichever is greater. The length of a developed swim area or of an area delineated by a swim line is measured parallel to the shore. The length of the swim line will determine where a line, rope or

Joint Standing Committee on Inland Fisheries and Wildlife

series of buoys used to delineate an area of surface water for the purpose of swimming may be placed.

Committee Amendment "A" (H-307)

This amendment, which is the majority report, replaces the bill. This amendment modifies the swim area law as follows.

1. It provides that a swim line or developed swim area may not exceed 50 percent of the entire length of the shore frontage of the property from which the developed swim area or the area delineated by a swim line extends or 200 feet, whichever is greater, except that in no event may the developed swim area or the area delineated by a swim line extend beyond the shore frontage of the property. The length of the developed swim area or of an area delineated by a swim line must be measured parallel to the shore.
2. It removes the special penalties for establishing a swim area without a permit. It leaves in place the general civil penalty applicable under the Maine Revised Statutes, Title 12, section 1806.
3. It removes the permit fee exemptions for governmental entities and recreational camps and requires that all permits expire after five years.
4. It provides that permit fee revenues go into the Boating Facilities Fund and may be used in administering the swim area law.
5. It provides that a permit for a swim line or a developed swim area may be issued only if the swim line or developed swim area is designed solely to provide recreational swimming opportunities for the public. If the director determines, after notice and opportunity for hearing, that a swim line or a developed swim area is being used for purposes other than to provide recreational swimming opportunities for the public, the director may revoke the permit.

Committee Amendment "B" (H-308)

This amendment, which is the minority report, replaces the bill. This amendment modifies the swim area law as follows.

1. It provides that a swim line or developed swim area may not exceed 200 feet. The length of the developed swim area or of an area delineated by a swim line must be measured parallel to the shore.
2. It removes the special penalties for establishing a swim area without a permit. It leaves in place the general civil penalty applicable under the Maine Revised Statutes, Title 12, section 1806.
3. It removes the permit fee exemptions for governmental entities and recreational camps and requires that all permits expire after five years.
4. It provides that permit fee revenues go into the Boating Facilities Fund and may be used in administering the swim area law.
5. It provides that a permit for a swim line or a developed swim area may be issued only if the swim line or developed swim area is designed solely to provide recreational swimming opportunities for the public. If the director determines, after notice and opportunity for hearing, that a swim line or a developed swim area is being used for purposes other than to provide recreational swimming opportunities for the public, the director may revoke the permit.

Enacted Law Summary

Public Law 2015, chapter 252 amends the swim area law as follows.

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1. It provides that a swim line or developed swim area may not exceed 50 percent of the entire length of the shore frontage of the property from which the developed swim area or the area delineated by a swim line extends or 200 feet, whichever is greater, except that in no event may the developed swim area or the area delineated by a swim line extend beyond the shore frontage of the property. The length of the developed swim area or of an area delineated by a swim line must be measured parallel to the shore.
2. It removes the special penalties for establishing a swim area without a permit. It leaves in place the general civil penalty applicable under the Maine Revised Statutes, Title 12, section 1806.
3. It removes the permit fee exemptions for governmental entities and recreational camps and requires that all permits expire after five years.
4. It provides that permit fee revenues go into the Boating Facilities Fund and may be used in administering the swim area law.
5. It provides that a permit for a swim line or a developed swim area may be issued only if the swim line or developed swim area is designed solely to provide recreational swimming opportunities for the public. If the director determines, after notice and opportunity for hearing, that a swim line or a developed swim area is being used for purposes other than to provide recreational swimming opportunities for the public, the director may revoke the permit.

LD 1226 An Act To Establish a Comprehensive Hunting License

**Accepted Majority
(ONTP) Report**

Sponsor(s)

SHAW

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill expands the current resident hunting license and nonresident hunting license to encompass and replace all other hunting licenses and hunting permits except the:

1. Junior hunting license;
2. Resident and nonresident apprentice hunting licenses;
3. Antlerless deer and special deer season permits;
4. Moose permit;
5. Pheasant permit;
6. Waterfowl permit;
7. Falconry permit; and
8. Migratory bird permit.

This bill increases the fee for a resident and a nonresident hunting license from \$25 to \$38 and from \$114 to \$143, respectively. This bill also increases the fee on resident and nonresident hunting and fishing combination licenses from \$42 to \$55 and from \$149 to \$178, respectively, to reflect the increase in the hunting license fee.