

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

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

May 2016

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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 Second 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.

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 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 127th Legislature is July 29, 2016. 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

the establishment and operation of the comprehensive marketing program proposed in the bill and to fund one Marketing Specialist position. It also directs the Department of Inland Fisheries and Wildlife to submit a bill to the First Regular Session of the 128th Legislature to increase the total funding for the comprehensive marketing program to \$300,000 in fiscal year 2017-18.

This amendment repeals the comprehensive marketing program on July 1, 2019.

LD 1593

**An Act To Make Hunting, Fishing and Trapping the Basis of Managing
Inland Fisheries and Wildlife Resources**

PUBLIC 416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-573

This bill was reported by the committee pursuant to joint order, H.P. 976 and then referred back to the committee for processing in the normal course.

This bill establishes contingent wildlife management provisions that become effective when a ballot measure for a direct initiative of legislation is approved that reduces wildlife management methods available to the Department of Inland Fisheries and Wildlife. The provisions of this bill apply only to the animals that are significantly affected either directly or indirectly by the approved ballot measure. The bill does the following.

1. It places a cap on the revenue the Commissioner of Inland Fisheries and Wildlife may expend to control animals causing damage or any other nuisance animals to the level spent in the fiscal year prior to the effective date of the direct initiative of legislation.
2. It prohibits the commissioner from establishing or implementing a sterilization program to control the population of an animal.
3. It provides that the department may not dispose of an animal in a manner that would constitute waste under existing statute and prohibits the department from disposing of on state-owned land an animal killed by the department.
4. It requires the commissioner to develop a landowner depredation program that sets a limit on the number of animals that may be retained by the landowner and requires a landowner to donate any animal taken from that landowner's land for depredation purposes exceeding the limit established by the commissioner to the Hunters for the Hungry program.
5. It also provides that within 90 days after the Secretary of State verifies a petition that proposes to reduce or alter wildlife management methods or management options available to the department and sends the proposed measure to the Legislature, the commissioner must conduct an impact assessment on that measure and report the commissioner's analysis to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.
6. It requires the commissioner to report on the landowner depredation program annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

Committee Amendment "A" (H-573)

Current law provides that the Department of Inland Fisheries and Wildlife is established to preserve, protect, enhance and effectively manage the inland fisheries and wildlife resources of the State. This amendment replaces the bill and adds using regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible.

Joint Standing Committee on Inland Fisheries and Wildlife

Enacted Law Summary

Public Law 2015, chapter 416 provides that the Department of Inland Fisheries and Wildlife must use regulated hunting, fishing and trapping as the basis for wildlife resource management whenever feasible.

LD 1636 An Act To Amend the Laws Relating to Endangered and Threatened Species

**PUBLIC 423
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-421

This bill was reported by the committee pursuant to joint order, S.P. 637 and then referred back to the committee for processing in the normal course.

This bill makes the following changes to the law regarding the incidental take of an endangered or threatened species.

1. It authorizes the Commissioner of Inland Fisheries and Wildlife to create a widespread activity incidental take plan when the commissioner determines that the activity is widespread and conducted by a reasonably identifiable group of participants as long as:
 - A. The activity poses a manageable risk of taking an endangered or threatened species;
 - B. Any taking would be incidental to an otherwise lawful activity; and
 - C. The taking will not impair the recovery of any endangered or threatened species.
2. It authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to provide a broad activity exemption for the taking of an endangered or threatened species if the exemption:
 - A. Addresses a specific activity that is widespread in its occurrence and participation but may not have a reasonably identifiable group of participants;
 - B. Poses little or no risk for an incidental take of an endangered or threatened species; and
 - C. Will not individually or cumulatively impair the recovery of any endangered or threatened species.
3. It requires the Commissioner of Inland Fisheries and Wildlife to hold at least one public hearing on a proposed widespread incidental take plan or a proposed broad activity exemption and to seek input from knowledgeable individuals or groups on each proposal.
4. It repeals and reallocates provisions of existing statute regarding endangered and threatened species for purposes of clarity and readability.

Committee Amendment "A" (S-421)

This amendment adds an emergency preamble and emergency clause to the bill, making it effective upon approval.

Enacted Law Summary

Public Law 2015, chapter 423 makes the following changes to the law regarding the incidental take of an endangered or threatened species.