

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> 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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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

SECOND REGULAR SESSION



## 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 127<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. 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 127<sup>th</sup> 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

## 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.

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

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.

Public Law 2015, chapter 423 was enacted as an emergency measure effective April 1, 2015.