

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2017

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STATE OF MAINE

128TH LEGISLATURE
FIRST 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 First Regular Session of the 128th 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 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 128th Legislature is Wednesday, November 1, 2017. 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

that area.

LD 277 An Act Regarding the Use of Helmets by Minors Riding in an All-terrain Vehicle with an Adult ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| STEARNS P | ONTP | |

This bill provides an exemption to the requirement that a passenger under 18 years of age on an all-terrain vehicle wear protective headgear. The bill allows a parent, grandparent or legal guardian of a passenger to operate an all-terrain vehicle while the passenger on that all-terrain vehicle is not wearing protective headgear when the passenger is under eight years of age and is riding directly adjacent to the operator on an all-terrain vehicle with side-by-side seating.

LD 278 An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs Accepted Majority (ONTP) Report

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| ALLEY R MAKER J | ONTP OTP | |

This bill removes the prohibition on training hunting dogs on bear in those portions of Washington County and Hancock County that are situated south of Route 9.

LD 279 An Act To Give Veterans Priority in the Issuance of Antlerless Deer Permits ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SIMMONS A | ONTP | |

This bill requires an antlerless deer permit system adopted by the Commissioner of Inland Fisheries and Wildlife to give priority in the issuance of a permit to a veteran who was honorably discharged from the Armed Forces of the United States or the National Guard.

LD 305 An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement PUBLIC 285

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| CYRWAY S HANINGTON S | OTP-AM ONTP | S-284 |

This bill provides that a permit is required to import exotic wildlife into or possess wildlife in the State or receive exotic wildlife. The Commissioner of Inland Fisheries and Wildlife is required to adopt rules that specify the criteria for issuing such a permit. The bill allows the commissioner to adopt rules to require permitted exotic wildlife to carry or be embedded with a tracking device. The bill requires the holder of a permit for exotic wildlife to provide notice to the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and all landowners within the range of travel of the wildlife in the event of an escape of the wildlife.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (S-30)

This amendment changes the title and replaces the bill. The bill provides that a permit is required to import exotic wildlife or possess wildlife in the State or receive exotic wildlife and stipulates the requirements for that permit; the amendment instead provides that a person who allows wildlife in captivity to escape that person's possession or control in violation of rules governing keeping wildlife in captivity or an additional permit condition or requirement commits a Class E crime.

This amendment was not adopted.

Committee Amendment "B" (S-284)

This amendment changes the title and replaces the bill. The bill provides that a permit is required to import exotic wildlife or possess wildlife in the State or receive exotic wildlife and stipulates the requirements for that permit. The amendment provides that a person who allows wildlife in captivity to escape that person's possession or control in violation of rules governing keeping wildlife in captivity or an additional permit condition or requirement commits a Class E crime if the person does not immediately notify a law enforcement officer or if the person notifies a law enforcement officer but the wildlife is not permitted. If the wildlife is not permitted and escapes and the person does not immediately notify a law enforcement officer, the person commits a Class D crime.

For clarity, it is noted that this amendment was reported out after the bill was recommitted to the committee. Committee Amendment "A" was the majority report when the bill was first reported out; Committee Amendment "B" was the majority report when the bill was subsequently reported out after being recommitted to the committee.

Enacted Law Summary

Public Law 2017, chapter 285 provides that a person who allows wildlife in captivity to escape that person's possession or control in violation of rules governing keeping wildlife in captivity or an additional permit condition or requirement commits a Class E crime if the person does not immediately notify a law enforcement officer or if the person notifies a law enforcement officer but the wildlife is not permitted. If the wildlife is not permitted and escapes and the person does not immediately notify a law enforcement officer, the person commits a Class D crime.

LD 325 An Act To Amend the Process for Distributing Any-deer Permits

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RILEY C KEIM L | ONTP | |

This bill requires the Commissioner of Inland Fisheries and Wildlife, if antlerless deer permits are issued, to issue antlerless deer permits to applicants who are chosen through a public chance drawing. The commissioner is required to adopt rules by November 1, 2017 establishing a public chance drawing for antlerless deer permits, including provisions for awarding to applicants who are not selected for a permit points that increase the applicants' chances of being selected in a subsequent consecutive year.

The bill requires the commissioner to issue antlerless deer permits to veterans, who are not required to participate in the public chance drawing. The number of permits issued to veterans is determined by the commissioner annually based upon the deer population.