

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

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

October 2018

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128<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 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128<sup>th</sup> Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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*

**LD 11 RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Establish the Right To Hunt and Fish**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOOD S JACKSON T	ONTP OTP-AM	

This resolution was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This resolution proposes to amend the Constitution of Maine to provide that the right of the people of this State to hunt, fish and harvest game and fish, including by the use of traditional methods, may not be infringed, subject to reasonable laws and rules to promote wildlife conservation and management, to maintain natural resources in trust for public use and to preserve the future of hunting and fishing. It also provides that public hunting and fishing are a preferred means of managing and controlling wildlife.

**Committee Amendment "A" (H-589)**

This amendment, which is the minority report of the committee, references wildlife instead of game and provides that trapping is included in the right to hunt, fish and harvest wildlife and fish.

**LD 630 An Act To Prohibit Third Parties from Facilitating Transfers of Moose  
Permits for Consideration**

**PUBLIC 379**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D CYRWAY S	OTP-AM OTP-AM	H-660

This bill was reported out by the committee and then recommitted to the committee in the First Regular Session of the 128th Legislature; it was then carried over to to the Second Regular Session of the 128th Legislature by joint order, H.P. 1138.

The bill repeals the prohibition on the exchange for consideration of a moose permit in a designated hunting area, zone or season for another moose permit in a different designated hunting area, zone or season. The bill requires the Department of Inland Fisheries and Wildlife to establish an online transfer system for moose permits through which transfers of designated hunting areas, zones or seasons may be accomplished.

**Committee Amendment "C" (H-660)**

This amendment, which is the majority report of the committee, replaces the bill. Like the bill, the amendment repeals the prohibition on exchanging moose permits between permit holders for consideration, but, unlike the bill, the amendment does not direct the Department of Inland Fisheries and Wildlife to establish an online transfer system for permits. The amendment clarifies that the State bears no responsibility for enforcing the terms of the exchange between the permit holders. The amendment also prohibits persons other than the holders of moose permits who are exchanging those permits from facilitating the exchange for consideration and defines "facilitate for consideration" to mean to directly receive compensation or something of value solely as part of the exchange of moose permits. The amendment establishes that a person who facilitates for consideration an exchange of moose permits commits a Class E crime.

**Committee Amendment "D" (H-661)**

This amendment, which is the minority report of the committee, replaces the bill. The bill repeals the prohibition on

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

exchanging a moose permit for consideration and directs the Department of Inland Fisheries and Wildlife to establish an online transfer system for permits. The amendment removes the provision of the bill that directs the department to establish an online transfer system for permits, but, like the bill, the amendment repeals the prohibition on exchanging moose permits for consideration. This amendment prohibits persons other than the holders of moose permits who are exchanging hunting zones, areas or seasons to facilitate the exchange. The amendment establishes that a person who facilitates an exchange of moose permits commits a Class E crime. The amendment clarifies that the State bears no responsibility for enforcing the terms of an exchange between the permit holders.

**Enacted Law Summary**

Public Law 2017, chapter 379 repeals the prohibition on exchanging moose permits between permit holders for consideration. Public Law 2017, chapter 379 clarifies that the State bears no responsibility for enforcing the terms of the exchange between the permit holders. Public Law 2017, chapter 379 also prohibits persons other than the holders of moose permits who are exchanging those permits from facilitating the exchange for consideration and defines "facilitate for consideration" to mean to directly receive compensation or something of value solely as part of the exchange of moose permits. Public Law 2017, chapter 379 establishes that a person who facilitates for consideration an exchange of moose permits commits a Class E crime.

**LD 768      An Act To Simplify Nonresident Hunting and Fishing Licenses      PUBLIC 427**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILLIARD G MIRAMANT D	OTP-AM ONTP	H-615 H-803 HARLOW D

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the next special session by joint order S.P. 748.

This bill establishes resident and nonresident comprehensive hunting licenses that allow hunting of all legal species subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive hunting license is \$38 and the fee for the nonresident comprehensive hunting license is \$143. The bill also establishes resident and nonresident comprehensive combination hunting and fishing licenses that allow fishing and hunting of all legal species, subject to the moose, pheasant, migratory waterfowl, special season deer and antlerless deer permit requirements. The fee for the resident comprehensive combination hunting and fishing license is \$55 and the fee for the nonresident comprehensive combination hunting and fishing license is \$178. The bill establishes January 1, 2018 as the effective date of these licenses.

This bill eliminates all alien licenses and permits and allows persons who are not citizens to purchase nonresident licenses and permits if they are not considered residents.

This bill allows the Commissioner of Inland Fisheries and Wildlife or a clerk or other agent appointed by the commissioner who issues licenses to inquire of a license applicant which species the applicant intends to hunt under the license and limit the license to the species specified. A license with this limitation must clearly indicate the limitation.

**Committee Amendment "A" (H-615)**

This amendment, which is the majority report of the committee, removes the provisions of the bill that establish comprehensive hunting licenses and comprehensive combination hunting and fishing licenses. The amendment also