

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

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

August 2019

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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 129th 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 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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motorboat is in an accident, to all persons involved in the accident. An operator of a motorboat who fails to provide proof of insurance commits a civil penalty unless proof of insurance is produced before adjudication of the violation, and an owner who fails to insure a motorboat that is then involved in an accident commits a Class D crime.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1551 An Act To Clarify Fishing Laws between the Department of Inland Fisheries and Wildlife and the Department of Marine Resources as They Relate to Striped Bass in Inland Waters PUBLIC 224

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C DILL J	OTP-AM	H-308

This bill eliminates duplicative rulemaking by prohibiting the fishing or possession of striped bass taken from the inland waters of the State in violation of rules adopted by the Commissioner of Marine Resources.

Committee Amendment "A" (H-308)

This amendment clarifies the language of the bill but preserves the bill's intent, which is to provide that fishing for or possession of striped bass taken from the inland waters of the State in violation of striped bass rules adopted by the Commissioner of Marine Resources is prohibited and is subject to the applicable penalties for violating the fishing rules of the Department of Inland Fisheries and Wildlife.

Enacted Law Summary

Public Law 2019, chapter 224 provides that fishing for or possession of striped bass taken from the inland waters of the State in violation of striped bass rules adopted by the Commissioner of Marine Resources is prohibited and is subject to the applicable penalties for violating the fishing rules of the Department of Inland Fisheries and Wildlife.

LD 1579 An Act To Create a Limited Fish Stocking Permit PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASON R TIMBERLAKE J	OTP-AM	H-375

This bill allows a municipality to stock with fish an inland water of the municipality, subject to a determination by the Department of Inland Fisheries and Wildlife, Bureau of Resource Management that the species of fish is appropriate to be stocked in that inland water and to the public notification requirements that apply when the bureau proposes to stock an inland water with fish.

Committee Amendment "A" (H-375)

This amendment replaces the bill. The amendment allows the Commissioner of Inland Fisheries and Wildlife to issue a limited permit to a local government. A limited permit allows a local government to introduce fish only into a great pond within the jurisdiction of the local government that was previously stocked by the department and in which stocking was suspended prior to January 1, 2019, and has not been resumed by the department due to inadequate public access. The permit allows the introduction of only the same species of fish that was stocked at the time the department suspended stocking. The permit allows only the introduction of fish obtained by the local government at its own expense from an in-state commercial facility that meets testing and health guidelines

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approved by the department. The permit may be issued only if the local government identifies public access to the great pond that is at least suitable for the hand carrying of boats to the water, includes a parking area and has been marked with signage adequate to ensure public awareness of the public access. "Local government" is defined as a municipality or, in the unorganized territory, a county.

Enacted Law Summary

Public Law 2019, chapter 263 allows the Commissioner of Inland Fisheries and Wildlife to issue a limited permit to a local government. A limited permit allows a local government to introduce fish only into a great pond within the jurisdiction of the local government that was previously stocked by the department and in which stocking was suspended prior to January 1, 2019, and has not been resumed by the department due to inadequate public access. The permit allows the introduction of only the same species of fish that was stocked at the time the department suspended stocking. The permit allows only the introduction of fish obtained by the local government at its own expense from an in-state commercial facility that meets testing and health guidelines approved by the department. The permit may be issued only if the local government identifies public access to the great pond that is at least suitable for the hand carrying of boats to the water, includes a parking area and has been marked with signage adequate to ensure public awareness of the public access. "Local government" is defined as a municipality or, in the unorganized territory, a county.

LD 1717 An Act To Clarify and Correct Maine's Fish and Wildlife Laws

PUBLIC 325

Sponsor(s)

MARTIN J

Committee Report

OTP-AM

Amendments Adopted

H-492

This bill changes the inland fisheries and wildlife laws to:

1. Define the terms "airbow," "crossbow" and "hand-held bow" or "bow" and establish an open season for hunting deer with an airbow during the open firearm season on deer;
2. Specify that lifetime license holders must meet eligibility requirements for hunting with bows and crossbows;
3. Make technical and grammatical corrections to the law regarding having a loaded firearm or crossbow in a motor vehicle or hunting or shooting from a motor vehicle or motorboat;
4. Repeal outdated language regarding carrying a handgun during the regular archery-only season on deer;
5. Clarify that it is only beaver, and no other species, that may be trapped by the holder of a nonresident trapping license who is not a citizen of the United States;
6. Require the court to impose a fine of \$20 for each quart of smelts rather than for each fish unlawfully possessed over the limit adopted by the Commissioner of Inland Fisheries and Wildlife by rule; and
7. Require any shack or temporary structure used for ice fishing to be removed by March 31st and, in the laws regarding litter control, amend the definition of the term "abandoned ice-fishing shack."

Committee Amendment "A" (H-492)

This amendment does the following.

1. It removes the provisions of the bill relating to airbows.
2. It clarifies the penalties for violating the smelt fishing limits.