

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

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

November 2020

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STATE OF MAINE

129TH 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 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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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.

LD 1787 An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J	OTP-AM	S-315

The bill was carried over on the Special Appropriations Table from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill makes several changes to the State's fish and wildlife enforcement laws. The bill:

1. Makes it illegal for nonviolent juvenile offenders and persons convicted of domestic violence to possess a firearm hunting license. It also prohibits a person convicted of a domestic violence offense from owning or possessing a crossbow, a muzzleloader or archery or airbow equipment;
2. Provides that a person is guilty of aggravated trafficking in a scheduled drug if the person is convicted of trafficking while in an area open to fishing for only persons under 16 years of age or complimentary fishing license holders;
3. Requires all edible meat from bear, deer and moose to be presented for registration with evidence of the animal's sex;
4. Clarifies that a person's hunting license will be revoked if the person is convicted of night hunting while in possession of a thermal imaging device;
5. Amends the definition of "owner" for the purpose of registration of a snowmobile, watercraft and all-terrain vehicle;
6. Provides for penalties for bag limit and possession limit violations for individual upland game species as established by the commissioner;
7. Clarifies the time limit to register a bear, deer, moose or wild turkey;
8. Clarifies that bear fat not attached to the meat can legally be used for personal or commercial use without a hide dealer's license;
9. Provides for restitution of expenses incurred as a result of scientific testing to enhance investigation procedures;
10. Clarifies that a person may not take or possess reptiles or amphibians from the wild for export, sale or commercial purposes;
11. Strengthens the prohibition of abuse of another person's property by removing reference to certain stated activities such as hunting, fishing or trapping to allow the Department of Inland Fisheries and Wildlife to enforce the law against persons who abuse another person's property but who may not be involved in an activity such as hunting, fishing or trapping; and

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12. Replaces the prohibition on operating a motorboat that exceeds noise limits with a prohibition on operating a marine engine that exceeds noise limits.

Committee Amendment "A" (S-315)

This amendment does the following:

- 1. Removes language in the bill regarding restitution to a landowner whose property is damaged because that remedy is already available under the Maine Revised Statutes, Title 17-A, chapter 69.
- 2. Reallocates the section of the bill regarding penalties for bag limit and possession limit violations for upland game to the chapter that is specific to hunting.
- 3. Removes the section of the bill that prohibits a person convicted of domestic violence from owning or possessing a crossbow, a muzzleloader or archery or airbow equipment.
- 4. Reallocates the bill's provision in the law governing aggravated trafficking of scheduled drugs and specifies that the property on which the offense occurs is designated by the Department of Inland Fisheries and Wildlife in rules as open to fishing for only persons under 16 years of age or persons holding a complimentary fishing license.

The bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1804 An Act Regarding the Baiting of Deer

PUBLIC 630

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVISP	OTP-AM	S-417

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to make changes to the laws regarding the baiting of deer.

Committee Amendment "A" (S-417)

This amendment replaces the bill, which is a concept draft. The amendment changes the penalty from a Class E crime to a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for the following violations:

- 1. Placing salt or any other bait or food to entice deer from June 1st to the start of an open hunting season on deer and, if all open hunting seasons on deer are closed before December 15th, from the close of the last open hunting season on deer to December 15th.
- 2. Hunting from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer during an open hunting season on deer.

For consistency in language, the amendment makes a technical change to the provision regarding license revocation for hunting deer over bait to clarify that the revocation commences on the date of adjudication. Nothing in the amendment impedes the authority of the Commissioner of Inland Fisheries and Wildlife to suspend or impose penalties for violations of laws regarding the placing of bait for the purpose of enticing deer or regarding the