

STATE OF MAINE
128TH 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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Joint Standing Committee on Inland Fisheries and Wildlife

**LD 11 RESOLUTION, Proposing an Amendment to the Constitution of Maine Died Between
To Establish the Right To Hunt and Fish 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 PUBLIC 379
Permits for Consideration**

<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

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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

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eliminates the provisions of the bill that allow the Commissioner of Inland Fisheries and Wildlife or a clerk or other agent appointed by the commissioner to inquire of a license applicant which species the applicant intends to hunt under the license and to limit the license to the species specified.

The amendment retains the provisions of the bill that eliminate all alien licenses and permits and that allow persons who are not citizens to purchase nonresident licenses and permits if they are not considered residents.

The amendment adds an effective date of January 1, 2019.

House Amendment "A" To Committee Amendment "A" (H-803)

This amendment provides that a nonresident who is not a citizen of the United States is eligible to purchase only a nonresident trapping license for beaver.

Enacted Law Summary

Public Law 2017, chapter 427 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. Public Law 2017, chapter 427 provides that a nonresident who is not a citizen of the United States is eligible to purchase only a nonresident trapping license for beaver. Public Law 2017, chapter 427 has an effective date of January 1, 2019.

LD 843 An Act To Adjust the Formula for Calculating the Allocation of Moose Permits for Hunting Lodges PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM ONTP	H-217

This bill was reported out of committee in the First 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 amends the law regarding the number of moose permits made available through a chance drawing to hunting outfitters, which is currently calculated as 10% of the number of permits made available in the public chance drawing above 3,140. The bill sets the number of moose permits made available to hunting outfitters at 10% of the number of permits in excess of the average number of permits made available in the public chance drawing per year since 1982 or 100, whichever is greater.

Committee Amendment "A" (H-217)

This amendment replaces the bill. The amendment reduces the number of moose hunting permits that may be issued to nonresidents from 10% to 8% and allows up to 2% of moose hunting permits to be issued to hunting outfitters instead of basing the number of permits issued to hunting outfitters upon the number of permits available over 3,140, which is the current law.

Enacted Law Summary

Public Law 2017, chapter 458 reduces the number of moose hunting permits that may be issued to nonresidents from 10% to 8% and allows up to 2% of moose hunting permits to be issued to hunting outfitters instead of basing the number of permits issued to hunting outfitters upon the number of permits available over 3,140, which was the law prior to enactment of Public Law 2017, chapter 458.

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LD 1236 An Act To Improve Maine's Heritage Fish List

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R SAVIELLO T	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature. This bill limits the Commissioner of Inland Fisheries and Wildlife to adding to the list of state heritage fish waters only those lakes and ponds identified as eastern brook trout waters and arctic charr waters that according to reliable records have not been stocked for at least 25 years or have never been stocked.

LD 1391 An Act To Ensure the Continuation of the Landowner Relations Program

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E	OTP-AM	H-321

This bill was reported out of committee in the First 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.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to identify long-term funding needs and possible funding sources for the landowner relations program within the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (H-321)

This amendment replaces the bill, which is a concept draft. The amendment provides \$150,000 per year to the Landowner Relations Fund, which funds the landowner relations program within the Department of Inland Fisheries and Wildlife to improve or maintain good relationships between landowners and outdoor recreationists.

LD 1451 An Act To Promote Biosecurity and Better Regulate the Importation, Possession and Use of Aquatic Species

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	ONTP	

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

This bill prohibits certain fish, amphibians and aquatic invertebrates from being introduced, imported or possessed by a person in the State unless a permit to do so has been issued by the Commissioner of Inland Fisheries and Wildlife. The bill provides that a permit is not required to introduce, import or possess other fish species kept in an aquarium. The bill prohibits the introduction, importation, transportation and possession of certain aquatic plants in the State.

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LD 1667 An Act To Prohibit the Entry of Anadromous Fish Species into Sheepscoot Pond for 3 Years and To Study the Consequences of the Presence of Anadromous Fish in Sheepscoot Pond ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	ONTP	

This bill requires the Commissioner of Inland Fisheries and Wildlife to prohibit the entry of anadromous fish into Sheepscoot Pond in the Town of Palermo through June 30, 2021. The bill also requires the commissioner, with the assistance of the Commissioner of Marine Resources and the Commissioner of Environmental Protection, to study the consequences of the presence of anadromous fish species in Sheepscoot Pond, including any changes resulting from the prohibition through June 30, 2021, and to report the yearly findings of that study to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15th annually through 2022; a report of the cumulative effects of the prohibition is due by January 15, 2022.

LD 1683 An Act To Extend the Term of Guide Licenses PUBLIC 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TUELL W	OTP-AM	S-396 S-515 HAMPER J

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

This bill establishes an exception to the requirement that a registered Maine guide applicant and a Maine guide licensed by the Department of Inland Fisheries and Wildlife submit to a background check when the applicant or guide holds or seeks to hold a guide license of the type for which passage of a background check is a prerequisite for any credential required to obtain that type of guide license. The bill also extends the term of a guide license from up to three years to up to five years.

Committee Amendment "A" (S-396)

This amendment replaces the bill, which creates an exception to the background check requirement for certain applicants for guide licenses. Like the bill, the amendment extends the term of a guide license from three years to five years, and it correspondingly increases the fee for a guide license from \$81 to \$135; however, unlike the bill, those changes take effect January 1, 2019. The amendment establishes a Class E crime for failing to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding and provides that failure to notify is grounds for permanent revocation or denial of a guide license.

Senate Amendment "A" To Committee Amendment "A" (S-515)

This amendment removes the provision in Committee Amendment "A" that establishes a Class E crime for failing to notify the Department of Inland Fisheries and Wildlife of a conviction or a finding of not criminally responsible that is grounds for the revocation, suspension or denial of a guide license within 30 days of the conviction or finding. It retains the provisions of Committee Amendment "A" that extend the term of and increase the fee for a guide license. It also removes the emergency preamble and clause.

Enacted Law Summary

Public Law 2017, chapter 441 extends the term of a guide license from three years to five years, and it

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correspondingly increases the fee for a guide license from \$81 to \$135. Public Law 2017, chapter 441 has an effective date of January 1, 2019.

LD 1759 An Act To Rename the Coast of Maine Wildlife Management Area as the PUBLIC 325
Alan E. Hutchinson Wildlife Management Area

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R	OTP	

This bill renames the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area in Mr. Hutchinson's honor and memory.

Enacted Law Summary

Public Law 2017, chapter 325 renames the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area in Mr. Hutchinson's honor and memory.

LD 1790 An Act Regarding Youth Hunting Day for Hunting Bear and Carrying a PUBLIC 357
Handgun during the Regular Archery-only Season on Deer

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A	OTP-AM	S-369

This bill allows the Commissioner of Inland Fisheries and Wildlife to establish a youth hunting day for hunting bear. An adult supervisor, parent or guardian accompanying the youth is allowed to possess a firearm while the youth is hunting bear.

Committee Amendment "A" (S-369)

This amendment removes the provision of the bill that specifically provides that an adult supervisor, parent or guardian accompanying a youth on a youth hunting day for hunting bear may possess a firearm while the youth is hunting bear. The amendment also corrects a cross-reference in the section of law regarding carrying firearms during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry a concealed handgun in most circumstances.

Enacted Law Summary

Public Law 2017, chapter 357 allows the Commissioner of Inland Fisheries and Wildlife to establish a youth hunting day for hunting bear. Public Law 2017, chapter 357 corrects a cross-reference in the section of law regarding carrying firearms during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry a concealed handgun in most circumstances.

LD 1816 An Act Regarding the Penalties for Hunting Deer over Bait PUBLIC 355

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P MARTIN D	OTP	

Current law provides that a person who is convicted a second time of hunting deer over bait during an open season

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on deer is permanently ineligible to obtain a hunting license. This bill changes that permanent ineligibility to an ineligibility period of two years.

Enacted Law Summary

Public Law 2017, chapter 355 changes the penalty for a person who is convicted a second time of hunting deer over bait during an open season on deer from permanent ineligibility to obtain a hunting license to an ineligibility period of two years.

LD 1823 An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer PUBLIC 356

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

This bill was reported by the committee pursuant to joint order H.P. 1249 and then referred back to the committee for processing in the normal course. The bill removes the provision of law that repeals on September 15, 2018 the law that allows a nonresident who owns 25 or more acres of land in the State and leaves that property open to hunting, who holds a valid hunting license and who is not otherwise prohibited from hunting deer to hunt deer on the Saturday preceding the first day of the open season on deer.

Enacted Law Summary

Public Law 2017, chapter 356 removes the provision of law that repeals on September 15, 2018 the law that allows a nonresident who owns 25 or more acres of land in the State and leaves that property open to hunting, who holds a valid hunting license and who is not otherwise prohibited from hunting deer to hunt deer on the Saturday preceding the first day of the open season on deer.

LD 1824 An Act Regarding the Termination of the Authority To Issue a Permit for a Noise Suppression Device on a Firearm for Hunting PUBLIC 366 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-639

This bill was reported by the committee pursuant to joint order H.P. 1250 and then referred back to the committee for processing in the normal course. The bill removes the provision of law that makes a permit issued by the Department of Inland Fisheries and Wildlife to use a noise suppression device with a firearm when hunting valid only until August 1, 2018. The bill also removes the provision of law that prohibits the Commissioner of Inland Fisheries and Wildlife from issuing a permit allowing a person to use a noise suppression device with a firearm when hunting after July 31, 2018.

Committee Amendment "A" (H-639)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2017, chapter 366 removes the provision of law that makes a permit issued by the Department of Inland Fisheries and Wildlife to use a noise suppression device with a firearm when hunting valid only until August 1, 2018. The bill also removes the provision of law that prohibits the Commissioner of Inland Fisheries and Wildlife from issuing a permit allowing a person to use a noise suppression device with a firearm when hunting after July 31, 2018. Public Law 2017, chapter 366 was enacted as an emergency measure effective April 8, 2018.

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LD 1835 An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife

**PUBLIC 423
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R CYRWAY S	OTP-AM	H-647 S-518 HAMPER J

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

This bill directs the State Controller to transfer \$600,000 by June 30, 2018 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the License and Registration General Fund account within the Department of Inland Fisheries and Wildlife.

Senate Amendment "A" (S-518)

This amendment alters the single transfer of \$600,000 by June 30, 2018 in the bill to two transfers of \$300,000, one occurring by June 30, 2018 and one occurring by June 30, 2019, and directs the money to the Warden Service General Fund account within the Department of Inland Fisheries and Wildlife instead of to the License and Registration General Fund account.

Enacted Law Summary

Public Law 2017, chapter 423 directs the State Controller to transfer \$300,000 on June 30, 2018 and \$300,000 on June 30, 2019 to the Warden Service General Fund account within the Department of Inland Fisheries and Wildlife.

Public Law 2017, chapter 423 was enacted as an emergency measure effective June 25, 2018.

LD 1836 An Act To Exempt from Hunter Safety Courses Certain Veterans and Persons Who Have Completed Firearms Safety Courses

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S BRAKEY E	ONTP OTP	

This bill provides that a veteran of the Armed Forces of the United States is exempt from hunter safety course requirements if that veteran provides at the time of application for a Maine license to hunt with firearms that veteran's Armed Forces Report of Transfer or Discharge, DD Form 214, or its predecessor or successor forms, or certification from the United States Department of Veterans Affairs or the appropriate branch of the Armed Forces of the United States verifying the applicant's military service and honorable discharge.

It also provides that a person is exempt from hunter safety course requirements if that person provides at the time of application for a Maine license to hunt proof of having successfully completed a firearms safety course other than a program for training individuals in the safe handling of firearms pursuant to the Maine Revised Statutes, Title 12, section 10108, subsection 1.

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Enacted

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Enacted

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EMERGENCY

Firearms

Enacted

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EMERGENCY

Fish and Fishing

Not Enacted

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Enacted

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Not Enacted

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

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Not Enacted

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Enacted

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Wildlife in Captivity

Not Enacted

LD 1451	An Act To Promote Biosecurity and Better Regulate the Importation, Possession and Use of Aquatic Species	ONTP
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Wildlife Sanctuaries and Preserves

Enacted

LD 1759	An Act To Rename the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area	PUBLIC 325
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