

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
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

**SPECIAL NOTICE REGARDING
COVID-19 PANDEMIC**

As a result of the COVID-19 Pandemic, the Second Regular Session of the 129th Legislature adjourned on March 17, 2020, nearly a month prior to the statutory adjournment date of April 15, 2020. Before adjourning, the Legislature passed Joint Order, S.P. 788:

“ORDERED, the House concurring, that all matters not finally disposed of upon the adjournment sine die of the Second Regular Session of the 129th Legislature be carried over, in the same posture, to any special session of the 129th Legislature.”

The “matters not finally disposed of” were in many different postures upon adjournment. In this digest, at the end of each summary of a bill that was carried over by S.P. 788, there is an indication of the posture of the bill at the time of adjournment.

No special session has been held as of the publication of the Digest and none is anticipated, so all bills carried over are expected to die upon the conclusion of the 129th Legislature. However, after the Second Regular Session adjourned and in preparation for the possibility of a special session, a number of committees met and considered a number of bills in their possession. One hundred and sixty bills were acted upon in some way by committees (voted or reported out), among them several new bills that were printed and referred to committee, worked and reported out. **Appendix A** provides a list of the bills that were voted or reported out of committees after the Second Regular Session adjourned.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 638 An Act To Legalize the Use of Supplemental Minerals To Assist with Wildlife Nutrition ONTP

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

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

This bill allows a person to place supplemental minerals for deer from March 1st to July 31st if the supplemental minerals are placed on that person's own land, or on another person's land with the other person's oral or written permission, and the supplemental minerals do not contain any grain or food products.

LD 650 An Act To Strengthen Maine's Landowner Relations Program CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| COREY P BREEN C | OTP-AM | H-722 |

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

This bill provides ongoing funding for five additional Deputy Game Warden positions and associated costs in the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (H-722)

This amendment removes from the bill the appropriations for the 2019-20 fiscal year. Under this amendment, funding for five additional Deputy Game Warden positions and associated costs in the Department of Inland Fisheries and Wildlife begins in fiscal year 2020-21.

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

LD 695 An Act To Require Biodegradable Hooks and Lures for Freshwater Fishing ONTP

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

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

Beginning January 1, 2024, this bill prohibits fishing in inland waters using nonbiodegradable hooks or certain nonbiodegradable artificial lures. A person who violates this prohibition commits a Class E crime.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1117 An Act To Encourage Turkey Hunting

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| BELLOWS S HICKMAN C | ONTP | |

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

This bill eliminates the turkey hunting permit and fee and the requirement to tag wild turkeys at registration stations. A hunter is directed to inform the Department of Inland Fisheries and Wildlife at the conclusion of each turkey hunting season of how many wild turkeys the hunter harvested. The bill directs the Commissioner of Inland Fisheries and Wildlife to amend the department's rules to increase the spring season bag limit to four male wild turkeys and the fall season bag limit to eight wild turkeys of eithersex.

LD 1118 An Act To Give the Commissioner of Inland Fisheries and Wildlife Rule-making Authority To Establish a Bear Season Framework and Bag Limits

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| DAVIS P NADEAUC | | |

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

This bill allows the commissioner of Inland Fisheries and Wildlife to establish bear hunting and trapping season dates by rule. It reduces the cost of a resident bear hunting permit and a resident bear trapping permit from \$27 to \$10, and it also repeals the two-bear limit in statute and instead refers to the bag limit set in rule.

The bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1525 An Act To Require Insurance on Motorized Watercraft

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| LAWRENCE M | ONTP | |

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

This bill prohibits the owner of a motorboat of more than 75 horsepower from operating or allowing operation of the motorboat in the inland or tidal waters of the State without insurance on the motorboat similar to the financial responsibility provisions regarding motor vehicles. The bill requires the operator of the motorboat to provide proof of insurance, which may be in an acceptable electronic format, to a law enforcement officer upon request or, if the motorboat is in an accident, to all persons involved in the accident. An operator of a motorboat who fails to provide

Joint Standing Committee on Inland Fisheries and Wildlife

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

Joint Standing Committee on Inland Fisheries and Wildlife

hunting of deer overbait.

Enacted Law Summary

Public Law 2019, chapter 630, 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 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; and
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.

Additionally, the commissioner may revoke licenses based on the date of adjudication of a violation. Public Law 2019, chapter 630 does not impede 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 hunting of deer over bait.

LD 1905 An Act To Clarify Crossbow-related Hunting Laws

**PUBLIC 637
EMERGENCY**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| THERIAULT T | OTP-AM | H-746 |

This bill allows a person 65 years of age or older and, under certain circumstances, a person with a permanent physical disability to take an antlerless deer with a crossbow without an antlerless deer permit during the open archery season on deer.

Committee Amendment "A" (H-746)

This amendment clarifies the bill to state that hunting an antlerless deer with a crossbow may occur with the requisite permit only during the archery-only hunting season on deer. The amendment also adds that a person 65 years of age or older must complete a hunter safety course or show satisfactory evidence of having previously held a license to hunt with firearms in this or another state in order to apply for a permit to take an antlerless deer with a crossbow. Additionally, the amendment makes a technical correction by replacing "crossbow hunting license" with "crossbow permit."

The amendment also creates new requirements for crossbow hunter education. The amendment requires that an applicant for a permit to hunt with a crossbow must provide evidence of completion of an archery hunting education program or a hunter safety course, in addition to evidence of a crossbow hunting education program or an equivalent as determined by the Commissioner of Inland Fisheries and Wildlife.

Enacted Law Summary

Public Law 2019, chapter 637 provides that a person 65 years of age or older, who has either successfully completed a hunter safety course or has previously held a license to hunt with firearms in any state, and a person with a permanent physical disability, may take an antlerless deer with a crossbow without an antlerless deer permit during the open archery season on deer. The law also creates new requirements for crossbow hunter education and requires that an applicant for a permit to hunt with a crossbow must provide evidence of completion of an archery hunting education program or a hunter safety course, in addition to evidence of a crossbow hunting education program or an equivalent as determined by the commissioner.

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Public Law 2019, chapter 637 was enacted as an emergency measure effective March 18, 2020.

LD 1920 An Act To Amend Maine's Fish and Wildlife Licensing and Registration Laws PUBLIC 638

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

This bill:

1. Amends the law governing the complimentary license package for a person who has lost, or who has permanently lost the use of, both lower extremities to provide that such a person may, upon application, at no cost, obtain all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish;
2. Provides the commissioner authority to defer a moose permit for one season when a moose permit holder or immediate family member has a significant medical illness; and
3. Exempts from the State's lake and river protection sticker requirement New Hampshire watercraft and seaplanes operating on interstate waters between Maine and New Hampshire as long as New Hampshire reciprocates.

Enacted Law Summary

Public Law 2019, chapter 638 amends the law governing the complimentary licenses for a person who has lost, or who has permanently lost the use of, both lower extremities to provide that such a person may, upon application and at no cost, obtain all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish. The law grants the commissioner authority to defer a moose permit for one season when a moose permit holder or immediate family member has a significant medical illness. The law also exempts from the State's lake and river protection sticker requirement New Hampshire watercraft and seaplanes operating on interstate waters between Maine and New Hampshire as long as New Hampshire reciprocates.

LD 1921 An Act To Clarify and Enhance Maine's Fish and Wildlife Laws PUBLIC 639

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MARTIN J | OTP-AM | H-721 |

This bill makes the following changes to the laws governing inland fisheries and wildlife.

1. It waives the seven-day notice requirement for meetings of the Inland Fisheries and Wildlife Advisory Council in cases of emergency rulemaking.
2. It changes the name of the supervisor of an apprentice hunter from a youth hunter supervisor to an apprentice supervisor and changes the name of the supervisor of a junior hunter from an adult supervisor to a junior hunter supervisor.
3. It removes two cross-references in the laws governing permits to possess wildlife in captivity.

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Committee Amendment "A" (H-721)

This amendment changes the term that refers to the person who supervises a junior trapper from "adult trapper supervisor" to "junior trapper supervisor."

The amendment clarifies that a person 16 years of age who obtained a junior trapping license before that person reached 16 years of age must either successfully complete a trapper education course prior to trapping or be supervised by a junior trapper supervisor while trapping after the person turns 16 years of age.

Additionally, the amendment changes a statutory reference to the hunter safety course a junior hunter is required to complete if not supervised by a junior hunter supervisor.

Enacted Law Summary

Public Law 2019, chapter 639 redefines the term that refers to the person who supervises a junior 18 trapper from "adult trapper supervisor" to "junior trapper supervisor." It also clarifies that a person 16 years of age who obtained a junior trapping license before that person reached 16 years of age must either successfully complete a trapper education course prior to trapping or be supervised by a junior trapper supervisor while trapping after the person turns 16 years of age. Additionally, Public Law 2019, chapter 639 changes a statutory reference to the hunter safety course a junior hunter is required to complete if not supervised by a junior hunter supervisor and waives the seven-day notice requirement for meetings of the Inland Fisheries and Wildlife Advisory Council in cases of emergency rulemaking.

LD 1932 An Act To Promote Outdoor Recreational Opportunities for Maine Students

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DUNPHYM | | |

This bill allows private elementary and secondary schools and public and private postsecondary educational institutions in the State, without a guide license, to conduct camping trips for students and adults associated with those institutions when the leaders hold camp trip leader permits.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2001 An Act To Create An Administrative Review Process for Hunting and Fishing Violations

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DILLINGHAM K | | |

This bill establishes a procedure for the Commissioner of Inland Fisheries and Wildlife to take administrative action regarding alleged property violations without first requiring criminal conviction or civil adjudication of the allegation. Under this bill, if the director of the Bureau of Warden Service has probable cause to suspect that civil trespass or abuse of another person's property while fishing, hunting or trapping has been committed, the commissioner may:

1. For a first violation, order that the person complete a hunter safety course or other safety course designated by

Joint Standing Committee on Inland Fisheries and Wildlife

the commissioner, regardless of whether the person is exempt from hunter safety course requirements;

- 2. For a second violation, order that all licenses and permits issued to the person by the Department of Inland Fisheries and Wildlife be suspended for a period of two years; and
- 3. For a third or subsequent violation, order that all licenses and permits issued to the person by the Department of Inland Fisheries and Wildlife be permanently suspended.

The bill provides a mechanism for notice and opportunities for hearing and appeal of administrative action taken by the commissioner. This bill, which had not yet been voted by the committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2003 An Act Regarding Permits To Possess Wildlife in Captivity

PUBLIC 652

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

This bill amends the law governing the issuance of permits to possess wildlife in captivity to allow the Commissioner of Inland Fisheries and Wildlife to issue a notice of corrective action to a person who possesses wildlife in captivity without a permit and who is issued a permit by the commissioner.

Enacted Law Summary

Public Law 2019, chapter 652 amends the law governing the issuance of permits to possess wildlife in captivity to allow the Commissioner of Inland Fisheries and Wildlife to issue a notice of corrective action to a person who possesses wildlife in captivity without a permit and who is issued a permit by the commissioner.

LD 2065 An Act To Address Decibel Level Limits for Airboats

PUBLIC 662

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------------|-------------------------|---------------------------|
| MCCREIGHT J MIRAMANT D | OTP-AM | H-752 |

This bill exempts airboats, which are defined as flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine, from the noise level limits imposed on other watercraft. Instead, this bill allows the Commissioner of Inland Fisheries and Wildlife to establish noise level limits for airboats by routine technical rules.

This bill also requires the Joint Standing Committee of Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources to jointly solicit and collect information regarding airboats, including uses of airboats, noise levels and complaints and suggestions for reducing complaints regarding the use of airboats, from interested parties, such as harbor masters, town clerks and residents of coastal towns and airboat users and sellers. Based on the suggestions, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources are authorized to implement legislation to the First Regular Session of the 130th Legislature to implement whatever suggestions the commissioners determine are necessary.

Committee Amendment "A" (H-752)

This amendment clarifies that the rules adopted by the Commissioner of Inland Fisheries and Wildlife regarding

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noise level limits are routine technical rules. The amendment also requires the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to submit recommended legislation based on the suggestions solicited.

Enacted Law Summary

Public Law, chapter 662 requires that airboats not exceed noise level limits established by rule. The law directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to jointly solicit and collect information regarding airboats and authorizes the commissioners to submit recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. The committee may report out legislation to the to the First Regular Session of the 130th Legislature to implement the recommendations.

LD 2130 An Act To Fund Maine's Recreational Trails

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported out by the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Resolve 2019, chapter 35, section 1 and then referred back to the committee for processing in the normal course.

The bill increases the registration fees for all-terrain vehicles by \$25 for each type of registration. The bill provides that the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands must use the registration fees deposited into the ATV Recreational Management Fund to oversee construction and maintenance of designated state-approved all-terrain vehicle trails.

This bill, which had been voted but not yet reported out of committee, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

*Joint Standing Committee on Inland Fisheries
and Wildlife*

SUBJECT INDEX

All-terrain Vehicles, Snowmobiles and Watercraft

Enacted

LD 2065 An Act to Address Decibel Level Limits for Airboats PUBLIC 662

Not Enacted

LD 1525 An Act To Require Insurance on Motorized Watercraft ONTP

LD 2130 An Act to Fund Maine's Recreational Trails CARRIED OVER

Bear Hunting

Not Enacted

**LD 1118 An Act To Give the Commissioner of Inland Fisheries and Wildlife
Rule-making Authority to Establish a Bear Season Framework and Bag
Limits CARRIED OVER**

Deer Hunting

Enacted

LD 1804 An Act Regarding the Baiting of Deer PUBLIC 630

Department of Inland Fisheries and Wildlife

Not Enacted

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

Fish and Fishing

Not Enacted

LD 695 An Act To Require Biodegradable Hooks and Lures for Freshwater Fishing ONTP

Landowner Relations

Not Enacted

LD 650 An Act To Strengthen Maine’s Landowner Relations Program CARRIED OVER

Licenses and Permits

Enacted

**LD 1905 An Act To Clarify Crossbow-related Hunting Laws PUBLIC 637
EMERGENCY**

LD 1920 An Act To Amend Maine’s Fish and Wildlife Licensing and Registration PUBLIC 638

LD 1921 An Act To Clarify and Enhance Maine’s Fish and Wildlife Laws PUBLIC 639

LD 2003 An Act Regarding Permits To Possess Wildlife in Captivity PUBLIC 652

Not Enacted

LD 1932 An Act To promote Outdoor Recreational Opportunities for Maine Students CARRIED OVER

LD 2001 An Act To Create An Administrative Review Process for Hunting and Fishing Violations CARRIED OVER

Wild Turkey Hunting

Not Enacted

LD 1117 An Act To Encourage Turkey Hunting ONTP

Wildlife Management

Not Enacted

LD 638 An act To Legalize the Use of Supplemental Minerals To Assist with ONTP
Wildlife Nutrition