

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Department of Inland Fisheries and Wildlife has recently conducted a moose survey that indicates the State's moose population has been increasing and could sustain additional hunting opportunities; and

Whereas, the lottery drawing for the 2011 moose permits takes place in June and the authorization to issue more moose permits needs to take effect before the drawing; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 2 and inserting the following:

Sec. 2. 12 MRSA §10052-A is enacted to read:

§ 10052-A. Division of Engineering

The Division of Engineering is established within the Department of Inland Fisheries and Wildlife. The division is equal in organizational level and status with other major organizational units within the department or its successors. The division is administered by a director who is immediately responsible to the deputy commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the division, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the division include the design, maintenance and repair of department-owned facilities, including the preparation of a capital improvement plan to be printed in the budget document.

Sec. 3. 12 MRSA §10155, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Membership. Members of the board must be residents of the State. The board consists of the following 54 members:

A. Two employees of the department, appointed by the commissioner one of whom may be a retired employee who has experience in taxidermy;

B. ~~Two~~One licensed ~~taxidermist~~taxidermist with expertise in the art of taxidermy, appointed by the Governor; and

C. One member of the general public with no affiliation to the art of taxidermy, appointed by the Governor.'

Amend the bill in section 3 in subsection 1 in the 3rd line (page 1, line 31 in L.D.) by inserting after the following: "currency" the following: 'used in violation of this Part'

Amend the bill in section 6 in paragraph B in subparagraph (2) in the blocked paragraph in the last line (page 2, line 38 in L.D.) by inserting after the following: "stand" the following: 'For purposes of this subparagraph, "observation stand" does not include a portable blind utilized at ground level that remains in the physical possession of the hunter'

Amend the bill in section 7 in subsection 11 in the 4th line (page 3, line 7 in L.D.) by striking out the following: "or could result" and inserting the following: 'in a serious injury or'

Amend the bill in section 11 by striking out all of paragraph D (page 3, lines 30 to 36 in L.D.) and inserting the following:

'D. For a resident 70 years of age or older. ~~A~~For a person who holds a valid senior lifetime license under this section upon turning at any time during the calendar year that person turns 70 years of age may obtain at no cost, that lifetime license includes all hunting permits and licenses authorized in this Part and may renew at no cost a guide license under section 12853. A person who is 70 years of age or older may purchase a senior lifetime license that entitles the holder to all the privileges described in this paragraph for a one-time \$8 fee.'

Amend the bill in section 12 by striking out all of subsection 5 and inserting the following:

'5. Hunting license revocation or suspension for endangerment or harm to another. The commissioner may bring a complaint in the District Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of any person whom the commissioner reasonably believes to have killed, wounded or recklessly endangered the safety of another human being while hunting in this State or another jurisdiction. The District Court shall revoke or suspend the person's license or privilege for a period of at least 5 years if the court finds that the person, while hunting, has killed, wounded or recklessly endangered the safety of another human being and the public safety will be endangered by the person's retention of that license or privilege. For the purpose of this subsection, "recklessly" has the same meaning as that set out in Title 17-A, section 35, subsection 3.

A. A person whose hunting license has been revoked or suspended or whose right to hunt or the right to obtain a hunting license has been denied under this subsection, may, after the expiration of one year from the date of the revocation or suspension, petition the commissioner for restoration of the person's privilege to procure such a license.

B. The commissioner, after hearing, may restore the petitioner's privilege if the commissioner determines that the public safety will not be endangered by restoring that privilege.

C. If the commissioner disallows the petition and thereby refuses to grant the restoration of the privilege, the petitioner may appeal to the commissioner's advisory council, which, after hearing on the petition, may allow it and restore the privilege.'

Amend the bill by striking out all of section 20 and inserting the following:

‘**Sec. 20. 12 MRSA §11701-A** is enacted to read:

§ 11701-A. Hunting hours for wild turkey

Notwithstanding the provision in section 11701 regarding legal hunting times for wild turkey, a person may hunt for wild turkey between sunrise and sunset. This section is repealed March 5, 2014.’

Amend the bill in section 23 in §12159 in subsection 2 in the 2nd line (page 7, line 5 in L.D.) by striking out the following: "resale" and inserting the following: 'resalesale'

Amend the bill by striking out all of section 24 and inserting the following:

‘**Sec. 24. 12 MRSA §12161** is enacted to read:

§ 12161. Taking of certain nonmarine invertebrates from the wild for commercial purposes

1. Prohibition; penalties. Except as provided in this section, a person may not take and possess certain nonmarine invertebrates, specifically freshwater mussels, butterflies, moths, dragonflies or beetles, from the wild for export, sale or commercial purposes.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

2. Commercial nonmarine invertebrate permit. Persons harvesting freshwater mussels, butterflies, moths, dragonflies or beetles for export, sale or commercial purposes are required to obtain a permit from the commissioner.

3. Rules. The commissioner may by rule:

A. Require reporting of commercial harvest activities, including at a minimum dates, locations and numbers collected by species;

B. Establish daily and season possession limits;

C. Establish a fee schedule to implement a permit system under this section; and

D. Require humane harvest, confinement and disposal methods.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.’

Amend the bill in section 25 in subsection 3 by striking out all of the first paragraph (page 8, lines 5 to 7 in L.D.) and inserting the following:

‘3. Nonresident trapping beaver. A nonresident may not trap beaver in this State unless that nonresident's state or province of residency allows Maine residents to trap beaver in that state or province.’

Amend the bill by inserting after section 25 the following:

‘Sec. 26. 12 MRSA §12260, sub-§3, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. A person may not set a bear trap other than a cable trap, ~~unless it conforms to the following specifications~~ or a cage-type trap as authorized by the commissioner.

~~(1) The trap must be enclosed by at least 2 strands of wire, one strand 2 feet from the ground and one strand 4 feet from the ground.~~

~~(2) The wire must be securely held in position.~~

~~(3) The wire must be not less than 5 yards nor more than 10 yards at any point from the enclosed trap.~~

~~(4) The trap enclosure must be marked by substantial signs with the words "BEAR TRAP" in letters not less than 3 inches in height.~~

~~(5) The signs must be spaced around each enclosure at intervals of not more than 20 feet.~~

~~(6) Each sign must be securely fastened to the top strand of wire.~~

Sec. 27. 12 MRSA §12457, sub-§1, as amended by PL 2009, c. 550, §8, is further amended to read:

1. Closed waters. Except as the commissioner may by rule provide and as provided in subsection 2, the following waters are closed to fishing:

A. The area within 150 feet of any operational fishway, except:

(1) At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to fishing at all times:

(a) Grand Falls Powerhouse Dam on the St. Croix River in Baileyville; and

(b) Woodland Dam on the St. Croix River in Baileyville;

(2) At the following places, the area within the fishway and within 75 feet of the downstream mouth of the fishway is closed to fishing at all times:

(a) East Grand Lake Dam in Forest City Township, T9 R4 NBPP, except that fishing upstream from the dam at the top of the fishway is lawful;

(2-A) At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

(a) Spednic Lake Dam in Vanceboro;

(3) At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

(4) At East Outlet Dam in Sapling Township, T1R7, in Somerset County and in Big Moose Township, T2R6, in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway must be closed to fishing at all times; and

(5) There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County, Chain of Ponds Dam in Chain of Ponds Township in Franklin County or, Long Pond Dam in Seven Ponds Township in Franklin County, Beaver Pond Dam in Seven Ponds Township in Franklin County and Little Island Pond Dam in Seven Ponds Township in Franklin County;

B. All waters within 200 feet of any fish hatchery or rearing station; and

C. The property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County.

For purposes of this subsection, "operational" means a fishway capable of fish passage whether or not it is allowing the passage of fish at any given time.'

Amend the bill by inserting after section 27 the following:

'Sec. 28. 12 MRSA §12551-A, sub-§9-A is enacted to read:

9-A. Record inspection. Records retained as required in this section must be open for inspection by the commissioner or the commissioner's agent.'

Amend the bill by inserting after section 30 the following:

Sec. 31. 12 MRSA §12708, sub-§1, ¶B, as amended by PL 2007, c. 463, §7, is further amended to read:

B. The following areas are classified as state-owned wildlife management areas, or "WMAs":

- (1) Blanchard/AuClair WMA (Roach River Corridor) - T1 R14 WELS - Piscataquis County;
- (2) Brownfield WMA - Brownfield, Denmark, Fryeburg - Oxford County;
- (3) George Bucknam WMA (Belgrade Stream) - Mt. Vernon - Kennebec County;
- (4) Caesar Pond WMA - Bowdoin - Sagadahoc County;
- (5) Chesterville WMA - Chesterville - Franklin County;
- (6) Coast of Maine WMA - all state-owned coastal islands that are owned or managed by the Department of Inland Fisheries and Wildlife;
- (7) Dickwood Lake WMA - Eagle Lake - Aroostook County;
- (8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7 WELS - Penobscot County;
- (9) Fahi Pond WMA - Embden - Somerset County;
- (10) Lyle Frost WMA (formerly Scammon) - Eastbrook, Franklin - Hancock County;
- (11) Alonzo H. Garcelon WMA (Mud Mill Flowage) - Augusta, Windsor, Vassalboro, China - Kennebec County;
- (12) Great Works WMA - Edmunds Township - Washington County;
- (13) Jamies Pond WMA - Manchester, Farmingdale, Hallowell - Kennebec County;
- (14) Jonesboro WMA - Jonesboro - Washington County;
- (15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden - Lincoln County;

- (16) Kennebunk Plains WMA - Kennebunk - York County;
- (17) Bud Leavitt WMA (Bull Hill) - Atkinson, Charleston, Dover-Foxcroft, Garland - Penobscot County and Piscataquis County;
- (18) Gene Letourneau WMA (Frye Mountain) - Montville, Knox, Morrill - Waldo County;
- (19) Long Lake WMA - St. Agatha - Aroostook County (all of Long Lake within the Town of St. Agatha);
- (20) Madawaska WMA - Palmyra - Somerset County;
- (20-A) Maine Youth Conservation WMA - T32MD - Hancock County;
- (21) Mainstream WMA - Cambridge, Ripley - Somerset County;
- (22) Lt. Gordon Manuel WMA - Hodgdon, Cary Plantation, Linneus - Aroostook County;
- (23) Maynard F. Marsh WMA (Killick Pond) - Hollis, Limington - York County;
- (24) Mercer Bog WMA - Mercer - Somerset County;
- (25) Merrymeeting Bay WMA - Dresden, Bowdoinham, Woolwich, Bath, Topsham - Lincoln County and Sagadahoc County;
- (26) Morgan Meadow WMA - Raymond - Cumberland County;
- (27) Mt. Agamenticus WMA - York, South Berwick - York County;
- (28) Muddy River WMA - Topsham - Sagadahoc County;
- (29) Narraguagus Junction WMA - Cherryfield - Washington County;
- (30) Old Pond Farm WMA - Maxfield, Howland - Penobscot County;

- (31) Orange River WMA - Whiting - Washington County;
- (32) Peaks Island WMA - Portland - Cumberland County;
- (33) Pennamaquam WMA - Pembroke, Charlotte - Washington County;
- (34) Steve Powell WMA - Perkins Township - Sagadahoc County (being the islands in the Kennebec River near Richmond known as Swan Island and Little Swan Island, formerly known as Alexander Islands);
- (35) David Priest WMA (Dwinal Pond) - Lee, Winn - Penobscot County;
- (36) James Dorso Ruffingham Meadow WMA - Montville, Searsmont - Waldo County;
- (37) St. Albans WMA - St. Albans - Somerset County;
- (38) Sandy Point WMA - Stockton Springs - Waldo County;
- (39) Scarborough WMA - Scarborough, Old Orchard Beach, Saco - Cumberland County and York County;
- (40) Steep Falls WMA - Standish, Baldwin - Cumberland County;
- (41) Tyler Pond WMA - Manchester, Augusta - Kennebec County;
- (42) Vernon S. Walker WMA - Newfield, Shapleigh - York County;
- (43) R. Waldo Tyler Weskeag Marsh WMA - South Thomaston, Thomaston, Rockland, Owl's Head, Friendship - Knox County;
- (43-A) Kennebec River Estuary WMA - Arrowsic, Bath, Georgetown, Phippsburg, West Bath, Woolwich - Sagadahoc County;
- (43-B) Tolla Wolla WMA - Livermore - Androscoggin County;
- (43-C) Green Point WMA - Dresden - Lincoln County;

(43-D) Hurds Pond WMA - Swanville - Waldo County;

(43-E) Sherman Lake WMA - Newcastle, Damariscotta - Lincoln County;

(43-F) Ducktrap River WMA - Belmont, Lincolnville - Waldo County; and

~~(44) Such other areas as the commissioner designates, by rules adopted in accordance with section 12701, as state-owned wildlife management areas.~~

(45) Stump Pond WMA - New Vineyard - Franklin County;

(46) Bog Brook WMA - Beddington, Deblois - Washington County;

(47) Cobscook Bay WMA - Lubec, Pembroke, Perry, Trescott Township - Washington County;

(48) Mattawamkeag River System WMA - Drew Plantation, Kingman Township, Prentiss Township, Webster Township - Penobscot County;

(49) Booming Ground WMA - Forest City - Washington County;

(50) Butler Island WMA - Ashland - Aroostook County;

(51) Pollard Flat WMA - Masardis - Aroostook County;

(52) Caribou Bog WMA - Old Town, Orono - Penobscot County;

(53) Delano WMA - Monson - Piscataquis County;

(54) Egypt Bay WMA - Hancock - Hancock County;

(55) Spring Brook WMA - Hancock - Hancock County;

(56) Strong WMA - Strong - Franklin County;

(57) Plymouth Bog WMA - Plymouth - Penobscot County; and

(58) Such other areas as the commissioner designates, by rules adopted in accordance with section 12701, as state-owned wildlife management areas.

Amend the bill by adding after section 33 the following:

‘Sec. 34. Issuance of additional moose permits for the 2011 moose hunting season.

The Commissioner of Inland Fisheries and Wildlife is authorized to increase the number of moose hunting permits available for the 2011 moose hunting season as long as that increase is based on the most recent moose population data and will not jeopardize the viability of the moose population in this State.

Sec. 35. Report. The Commissioner of Inland Fisheries and Wildlife shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the impact that the Maine Revised Statutes, Title 12, section 11701-A is having on the wild turkey population in this State by December 15, 2013.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.’

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the minority report, does the following:

1. It makes the newly established Division of Engineering equal in organizational level to the other divisions and bureaus within the Department of Inland Fisheries and Wildlife;
2. It clarifies that currency used in the violation of a fish and wildlife law is contraband and subject to seizure by law enforcement;
3. It clarifies that a portable blind used on the ground that remains in the physical possession of the hunter is not considered a portable observation stand for purposes of landowner permission;
4. It amends the section of the bill regarding a person who holds a valid senior lifetime license and turns 70 years of age to remove the word "entitled" and provides that all hunting licenses and permits are included in the lifetime license at that time;
5. It clarifies that the Commissioner of Inland Fisheries and Wildlife may bring a complaint in the District Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of a person who the commissioner has reason to believe has killed, wounded or recklessly endangered the safety of another person while hunting regardless of where the incident took place;
6. It provides that a person must obtain a permit from the commissioner to harvest nonmarine invertebrates for commercial purposes;
7. It makes changes to the membership of the Advisory Board for the Licensing of Taxidermists;

8. It adds 2 dams to the list of dams at which fishing in or from the fishway is prohibited and provides a definition of an operational fishway;

9. It allows the cage-type trap for trapping bears and removes the statutory requirements for marking bear traps;

10. It requires that records retained by smelt or baitfish dealers be open for inspection by the Commissioner of Inland Fisheries and Wildlife;

11. It establishes 13 more state-owned wildlife management areas;

12. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue additional moose hunting permits for the 2011 moose hunting season; and

13. It allows a person to hunt wild turkey between sunrise and sunset and directs the Commissioner of Inland Fisheries and Wildlife to report on the impact of the expanded hunting hours on the wild turkey population to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by December 15, 2013. This provision is repealed March 5, 2014.

FISCAL NOTE REQUIRED

(See attached)