

STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



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

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

June 2012

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Joint Standing Committee on Inland Fisheries and Wildlife

LD 213 An Act To Provide Funding for the Fish Stocking Program

PUBLIC 664

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-372 S-592 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill provides a General Fund appropriation of \$500,000 for fiscal years 2011-12 and 2012-13 for the purchase of fish for the Department of Inland Fisheries and Wildlife's fish stocking program.

Committee Amendment "B" (S-372)

This amendment provides an ongoing General Fund appropriation of \$500,000 beginning in fiscal year 2012-13 for the purchase of fish for the Department of Inland Fisheries and Wildlife's fish stocking program.

Senate Amendment "A" To Committee Amendment "B" (S-592)

This amendment reduces the ongoing funding provided in Committee Amendment "B" from \$500,000 to \$200,000 beginning in fiscal year 2012-13.

Enacted Law Summary

Public Law 2011, chapter 664 provides an ongoing General Fund appropriation of \$200,000 beginning in fiscal year 2012-13 for the purchase of fish for the Department of Inland Fisheries and Wildlife's fish stocking program.

LD 274 An Act To Increase the Moose Permit Allocations for Zones 2 and 3

ONTP

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

This bill was carried over from the First Regular Session of the 125th Legislature.

It is a concept draft pursuant to Joint Rule 208. This bill proposes to increase the moose permit allocations in zones 2 and 3 and to change the dates of the moose hunt.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 372 An Act To Reduce Deer Predation

PUBLIC 666

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON	OTP-AM	H-769 S-609 ROSEN R

This bill was carried over from the First Regular Session of the 125th Legislature.

This bill provides a General Fund appropriation of \$100,000 for fiscal years 2011-12 and 2012-13 to control predation of deer on private and public lands.

Committee Amendment "C" (H-769)

This amendment provides a General Fund appropriation of \$100,000 each year in fiscal years 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17 to control predation of deer on private and public lands.

Senate Amendment "A" To Committee Amendment "C" (S-609)

This amendment provides an ongoing General Fund appropriation of \$100,000 beginning in fiscal year 2012-13 to control predation of deer on private and public lands.

Enacted Law Summary

Public Law 2011, chapter 666 provides an ongoing General Fund appropriation of \$100,000 beginning in fiscal year 2012-13 to control predation of deer on private and public lands.

LD 637 An Act To Increase the Amount Tagging Agents Receive for Tagging Game

PUBLIC 660

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK	OTP-AM	H-683

This resolve was carried over from the First Regular Session of the 125th Legislature.

This bill directs the Commissioner of Inland Fisheries and Wildlife to amend the Department of Inland Fisheries and Wildlife's rules regarding the tagging of game to ensure that tagging agents receive an additional \$1.00 from each registration fee they collect for tagging game.

Committee Amendment "B" (H-683)

This amendment replaces the resolve with an act. It amends the law governing the registration fees for tagging game by increasing the amount tagging agents may retain for each registration fee they collect from \$1 to \$2.

Enacted Law Summary

Public Law 2011, chapter 660 amends the law governing the registration fees for tagging game by increasing the amount tagging agents may retain for each registration fee they collect from \$1 to \$2.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1242 An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine

PUBLIC 668

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC TRAHAN	OTP-AM	H-829

This bill was carried over from the First Regular Session of the 125th Legislature.

The bill does the following.

1. It establishes a deer management advisory committee to inform the Commissioner of Inland Fisheries and Wildlife about how to more aggressively manage the State's deer population.
2. It establishes the Maine Deer Management Fund for the purpose of funding deer management efforts in the State.
3. It creates a \$10 deer stamp and prohibits a person from hunting deer in the State without a deer stamp.
4. It creates a deer management license plate and directs \$20 from each deer management license plate to be deposited into the Maine Deer Management Fund.
5. It creates a Maine deer management voluntary checkoff so that taxpayers can voluntarily support deer management efforts.
6. It requires revenue received from the deer stamp and the deer management checkoff to be deposited in the Maine Deer Management Fund.

Committee Amendment "A" (H-829)

This amendment strikes and replaces the bill. It authorizes the Commissioner of Inland Fisheries and Wildlife to regulate the feeding of deer in certain circumstances. It requires the commissioner to direct the Inland Fisheries and Wildlife Advisory Council members to convene stakeholder groups at least annually in strategic areas of the State where deer populations need to be enhanced. This amendment also renames the existing Predator Control and Deer Habitat Fund the "Maine Deer Management Fund." It requires that every application for a hunting license include checkoff options that allow a person to donate money to the fund for predator control or deer habitat enhancement. It also requires that \$2 of every deer registration fee be credited to the Maine Deer Management Fund and requires that 50% of the funds deposited in the Maine Deer Management Fund from deer registration fees be used for predator control purposes and 50% to enhance deer habitat. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2011, chapter 668 authorizes the Commissioner of Inland Fisheries and Wildlife to regulate the feeding of deer in certain circumstances. It requires the commissioner to direct the Inland Fisheries and Wildlife Advisory Council members to convene stakeholder groups at least annually in strategic areas of the State where deer populations need to be enhanced. Public Law 2011, chapter 668 also renames the existing Predator Control and Deer Habitat Fund the "Maine Deer Management Fund." It requires that every application for a hunting license include checkoff options that allow a person to donate money to the fund for predator control or deer habitat enhancement. It also requires that \$2 of every deer registration fee be credited to the Maine Deer Management Fund and further requires that 50% of the funds deposited in the Maine Deer Management Fund from deer registration fees be used for predator control purposes and 50% to enhance deer habitat.

Joint Standing Committee on Inland Fisheries and Wildlife

This amendment replaces the concept draft. This amendment repeals the laws governing the supersport certificate and the landowner relations program in the Department of Inland Fisheries and Wildlife and replaces them with a new provision directing the Commissioner of Inland Fisheries and Wildlife to establish a broader and more inclusive landowner relations program. The amendment authorizes the commissioner to establish and issue for a fee a certificate to persons wishing to be recognized as supporting the program. The amendment establishes the Landowner Relations Fund to receive all fees from the sale of certificates as well as any other funds allocated or appropriated to the fund and any contributions from public or private sources. This amendment also adds the Commissioner of Agriculture, Food and Rural Resources to the ex officio members of the Landowners and Sportsmen Relations Advisory Board. The amendment adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-819)

This amendment delays the repeal of the supersport certificate included in Committee Amendment "A," until January 1, 2013 and requires revenue from the sale of the certificate to be deposited in the Landowner Relations Fund.

Enacted Law Summary

Public Law of 2011, chapter 576 repeals the laws governing the supersport certificate and the landowner relations program in the Department of Inland Fisheries and Wildlife and replaces them with a new provision directing the Commissioner of Inland Fisheries and Wildlife to establish a broader and more inclusive landowner relations program. It authorizes the commissioner to establish and issue for a fee a certificate to persons wishing to be recognized as supporting the program. It establishes the Landowner Relations Fund to receive all fees from the sale of certificates as well as any other funds allocated or appropriated to the fund and any contributions from public or private sources. It also adds the Commissioner of Agriculture, Food and Rural Resources to the ex officio members of the Landowners and Sportsmen Relations Advisory Board.

Public Law 2011, chapter 576 also delays the repeal of the supersport certificate until January 1, 2013, and requires revenue from the sale of the certificate to be deposited in the Landowner Relations Fund.

LD 1652 An Act To Ensure a Reliable Funding Stream for the Department of Inland Fisheries and Wildlife

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	JT RULE 309	

This bill authorizes the Commissioner of Inland Fisheries and Wildlife to allow an applicant for a license or permit issued by the Department of Inland Fisheries and Wildlife to make a donation to the department to be used for a wildlife management district identified by the applicant. It also directs the commissioner to seek long-term funding sources for the department and to work with the Public Utilities Commission and other entities to secure a portion of the fees paid for the use of state-owned land and assets within energy infrastructure corridors to help fund operations of the department. The commissioner must report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 15, 2013 on funding sources identified or secured.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1732 An Act To Amend Certain Provisions of the Fish and Wildlife Laws

**PUBLIC 533
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T	OTP-AM	S-391

This bill removes a penalty of 18% annual interest for each day a license agent is delinquent in forwarding collected fees to the Commissioner of Inland Fisheries and Wildlife.

The bill also removes language that prohibits the percentage of antlerless deer permits issued to nonresident and alien hunters from exceeding the average percentage of applicants for antlerless deer permits over the previous 3 years who were nonresidents or aliens.

The bill establishes that a shareholder in a landowner association or in an S corporation that owns a certain amount and type of land is eligible to apply for an antlerless deer permit as a landowner.

The bill enacts a penalty provision for operating a boat with an expired temporary registration certificate.

Committee Amendment "A" (S-391)

This amendment makes the following changes to the bill.

1. It adds an emergency preamble and emergency clause to the bill.
2. It repeals the 18% annual interest penalty for each day a watercraft, snowmobile or ATV registration agent is delinquent in forwarding collected fees to the Commissioner of Inland Fisheries and Wildlife. The bill removed this penalty for license agents and this amendment makes provisions for all agents the same.
3. It removes the provision that provides that a shareholder in a landowner association or in an S corporation that owns a certain amount and type of land is eligible to apply for an antlerless deer permit as a landowner.
4. It amends the law allowing resident student groups to fish for 3 days without a license to allow any student or youth group, not just residents, to be eligible for this privilege.
5. It amends the law establishing the Advisory Board for the Licensing of Taxidermists. It removes the member of the general public and increases the number of taxidermists on the board to two.
6. It amends the law governing the distance a snowmobile can be operated on a public way for the purpose of crossing a public way, sidewalk or culvert from 300 yards to 500 yards.
7. It allows contractors of the Department of Inland Fisheries and Wildlife to use gill nets in the same manner that department personnel may use gill nets.
8. It removes the residency requirement for eligibility for a special antlerless deer permit for persons suffering from the loss of the use of both lower extremities.

Enacted Law Summary

Public Law 2011, chapter 533, does the following.

Joint Standing Committee on Inland Fisheries and Wildlife

1. It repeals the 18% annual interest penalty for each day a watercraft, snowmobile or ATV registration agent is delinquent in forwarding collected fees to the Commissioner of Inland Fisheries and Wildlife and makes provisions for all agents the same.
2. It removes the provision that provides that a shareholder in a landowner association or in an S corporation that owns a certain amount and type of land is eligible to apply for an antlerless deer permit as a landowner.
3. It amends the law allowing resident student groups to fish for 3 days without a license to allow any student or youth group, not just residents, to be eligible for this privilege.
4. It amends the law establishing the Advisory Board for the Licensing of Taxidermists. It removes the member of the general public and increases the number of taxidermists on the board to two.
5. It amends the law governing the distance a snowmobile can be operated on a public way for the purpose of crossing a public way, sidewalk or culvert from 300 yards to 500 yards.
6. It allows contractors of the Department of Inland Fisheries and Wildlife to use gill nets in the same manner that department personnel may use gill nets.
7. It removes the residency requirement for eligibility for a special antlerless deer permit for persons suffering from the loss of the use of both lower extremities.

Public Law 2011, chapter 533 was enacted as an emergency measure effective March 18, 2012.

LD 1747 An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks

**PUBLIC 519
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW DIAMOND	OTP-AM	H-734

This bill prohibits a municipality or political subdivision of the State from enacting any ordinance, law or rule imposing a tax or fee on ice fishing shacks on sources of public water supply and on coastal waters. Current law prohibits a municipality or political subdivision of the State from enacting any ordinance, law or rule imposing a tax or fee on ice fishing shacks on other waters in this State.

Committee Amendment "A" (H-734)

This amendment removes from the bill reference to a municipality or political subdivision of the State imposing a tax on ice fishing shacks located on sources of public water supply or on coastal waters, because municipalities are not empowered by the State to levy such taxes.

Enacted Law Summary

Public Law 2011, chapter 519 prohibits a municipality or political subdivision of the State from enacting any ordinance, law or rule imposing a fee on ice fishing shacks on sources of public water supply and on coastal waters.

Public Law 2011, chapter 519 was enacted as an emergency measure effective March 16, 2012.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1785 An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State and To Clarify the Laws Concerning the Civil Violation of Trespass by Motor Vehicle

PUBLIC 561

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS MARTIN T	OTP-AM	H-766

This bill repeals the requirement that an alien big game or wild turkey hunter who is a resident of the Canadian province of New Brunswick or Quebec be accompanied by a guide licensed by the State.

Committee Amendment "A" (H-766)

This amendment replaces the title and clarifies the law concerning the civil violation of trespass by a motor vehicle. The amendment provides that a person commits a civil violation if that person parks a motor vehicle or allows a motor vehicle to remain parked in a private drive or private way in a manner that blocks or interferes with the free passage of other vehicles without the permission of the owner of the private drive or way. The amendment increases the fine from an amount not to exceed \$100 to an amount not less than \$500. The amendment also specifies that there is a rebuttable presumption that a registered owner of a vehicle involved in a violation has that vehicle under that person's control.

Enacted Law Summary

Public Law 2011, chapter 561 repeals the requirement that an alien big game or wild turkey hunter who is a resident of the Canadian province of New Brunswick or Quebec be accompanied by a guide licensed by the State. It clarifies the law concerning the civil violation of trespass by a motor vehicle. It provides that a person commits a civil violation if that person parks a motor vehicle or allows a motor vehicle to remain parked in a private drive or private way in a manner that blocks or interferes with the free passage of other vehicles without the permission of the owner of the private drive or way. It increases the fine from an amount not to exceed \$100 to an amount not less than \$500. It also specifies that there is a rebuttable presumption that a registered owner of a vehicle involved in a violation has that vehicle under that person's control.

LD 1817 Resolve, Regarding Access to Eastern Road in Scarborough

RESOLVE 141

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK BARTLETT	OTP-AM	H-770 H-799 VOLK

Resolve 2011, chapter 57 authorized the conveyance of certain state property that is subject to provisions of the Constitution of Maine that require an affirmative vote of 2/3 of the members elected to each House, but did not contain certain necessary language memorializing the Legislature's vote. This resolve repeals Resolve 2011, chapter 57 and enacts the language conveying the property along with the necessary language concerning the Legislature's 2/3 vote. The Department of Inland Fisheries and Wildlife must deliver the deeds to the Attardos upon approval of all necessary permits and approvals.

Joint Standing Committee on Inland Fisheries and Wildlife

Committee Amendment "A" (H-770)

This amendment incorporates a fiscal note.

House Amendment "A" (H-799)

This amendment requires the Department of the Inland Fisheries and Wildlife to submit, within 14 days of the effective date of the resolve, any required application and documents for federal approvals necessary to convey the easement authorized by the resolve and to convey the easement no later than 60 days after all permits and approvals are received.

Enacted Law Summary

Resolve 2011, chapter 141 repeals Resolve 2011, chapter 57. Resolve 2011, chapter 57 authorized the conveyance of certain state property that is subject to provisions of the Constitution of Maine that require an affirmative vote of 2/3 of the members elected to each House, but it did not contain certain necessary language memorializing the Legislature's vote. Resolve 2011, chapter 141 enacts the language conveying the property along with the necessary language concerning the Legislature's 2/3 vote. The Department of Inland Fisheries and Wildlife must deliver the deeds to the Attardos upon approval of all necessary permits and approvals. Resolve 2011, chapter 141 requires the Department of the Inland Fisheries and Wildlife to submit, within 14 days of the effective date of the resolve, any required application and documents for federal approvals necessary to convey the easement authorized by the resolve and to convey the easement no later than 60 days after all permits and approvals are received.

LD 1822 An Act To Allow the Change of Location of a Licensed Large Game Shooting Area

PUBLIC 557

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP MAJ ONTP MIN	S-454 THOMAS

This bill permits a person holding a license for a commercial large game shooting area to change the location of the shooting area if the Commissioner of Agriculture, Food and Rural Resources determines that the old location will be discontinued and the new location meets the applicable requirements of the law under which the original license was approved.

Senate Amendment "A" (S-454)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2011, chapter 557, permits a person holding a license for a commercial large game shooting area to change the location of the shooting area if the Commissioner of Agriculture, Food and Rural Resources determines that the old location will be discontinued and the new location meets the applicable requirements of the law under which the original license was approved.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 1849 An Act To Protect Landlocked Salmon Fisheries in Schoodic and Seboeis Lakes from Invasive Fish Species

PUBLIC 612

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-496

This bill prohibits the construction of a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake that would allow the upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage.

Committee Amendment "A" (S-496)

The amendment prohibits the construction of a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake that would allow the upstream passage of invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage. It also requires that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources act jointly in requiring a fishway to be erected, maintained, repaired or altered on any dam within inland waters frequented by anadromous or migratory fish species. It also prohibits the commissioners from requiring or authorizing a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake. The amendment also requires both commissioners to participate in the review process and decision on the proposed construction of new dams on inland waters.

Enacted Law Summary

Public Law 2011, chapter 612 prohibits the construction of a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake that would allow the upstream passage of invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage. It also requires that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources act jointly in requiring a fishway to be erected, maintained, repaired or altered on any dam within inland waters frequented by anadromous or migratory fish species. It also prohibits the commissioners from requiring or authorizing a fishway or fish bypass structure at the dams at the outlets of Schoodic Lake and Seboeis Lake. Public Law 2011, chapter 612 also requires both commissioners to participate in the review process and decision on the proposed construction of new dams on inland waters.

LD 1876 Resolve, Establishing Surface Use Restrictions on Great Meadow Stream and the Northern Portion of North Bay on Great Pond

INDEF PP

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

This resolve imposes temporary surface use restrictions on Great Meadow Stream and the northern portion of North Bay on Great Pond in the towns of Belgrade, Rome and Smithfield. A person may not operate a watercraft in the restricted area except in the case of an emergency in which property or human safety is endangered or if the operation of a watercraft is authorized by the Department of Environmental Protection to survey for and remove invasive aquatic plants or to deploy and maintain fragment nets and buoys. A person may not fish in the restricted area. The restrictions begin April 1, 2012 and end January 1, 2013.

Joint Standing Committee on Inland Fisheries and Wildlife

SUBJECT INDEX

Agents

Enacted

LD 637 **An Act To Increase the Amount Tagging Agents Receive for Tagging Game** **PUBLIC 660**

Dams and Fish Passages

Enacted

LD 1849 **An Act To Protect Landlocked Salmon Fisheries in Schoodic and Seboeis Lakes from Invasive Fish Species** **PUBLIC 612**

Deer

Enacted

LD 372 **An Act To Reduce Deer Predation** **PUBLIC 666**

LD 1242 **An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine** **PUBLIC 668**

Department of Inland Fisheries and Wildlife

Enacted

LD 1732 **An Act To Amend Certain Provisions of the Fish and Wildlife Laws** **PUBLIC 533
EMERGENCY**

Not Enacted

LD 1652 **An Act To Ensure a Reliable Funding Stream for the Department of Inland Fisheries and Wildlife** **INDEF PP**

Easements

Enacted

LD 1817 **Resolve, Regarding Access to Eastern Road in Scarborough** **RESOLVE 141**

Fish and Fishing

Enacted

LD 213 **An Act To Provide Funding for the Fish Stocking Program** **PUBLIC 664**

LD 1747	An Act To Prohibit Municipalities from Imposing Fees on Ice Fishing Shacks	PUBLIC 519 EMERGENCY
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Not Enacted

LD 1327	Resolve, To Study the Organization of the Fisheries Management Activities of the Department of Inland Fisheries and Wildlife and Make Recommendations To Improve Efficiency and Effectiveness	ONTP
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LD 1408	An Act To Amend Water Quality Standards for Fish Hatcheries	ONTP
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Hunting

Enacted

LD 1785	An Act To Repeal the Requirement That Canadian Big Game or Wild Turkey Hunters Be Accompanied by Guides Licensed in the State and To Clarify the Laws Concerning the Civil Violation of Trespass by Motor Vehicle	PUBLIC 561
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LD 1822	An Act To Allow the Change of Location of a Licensed Large Game Shooting Area	PUBLIC 557
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Invasives

Not Enacted

LD 1876	Resolve, Establishing Surface Use Restrictions on Great Meadow Stream and the Northern Portion of North Bay on Great Pond	INDEF PP
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Landowners

Enacted

LD 1613	An Act To Strengthen the Relationship between Land Users and Landowners	PUBLIC 576
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Moose

Not Enacted

LD 274	An Act To Increase the Moose Permit Allocations for Zones 2 and 3	ONTP
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LD INDEX

LD #		Page #
LD 213	-----	Page 1
LD 274	-----	Page 1
LD 372	-----	Page 2
LD 637	-----	Page 2
LD 1242	-----	Page 3
LD 1327	-----	Page 4
LD 1408	-----	Page 4
LD 1613	-----	Page 4
LD 1652	-----	Page 5
LD 1732	-----	Page 6
LD 1747	-----	Page 7
LD 1785	-----	Page 8
LD 1817	-----	Page 8
LD 1822	-----	Page 9
LD 1849	-----	Page 10
LD 1876	-----	Page 10