

## Joint Standing Committee on Inland Fisheries and Wildlife

**LD 152**                      **An Act to Create a 3-Person Regional Fisheries and Wildlife Advisory Council within Each Resource Management Administrative Region**                      **ONTP**

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

LD 152 proposed to reorganizes the Inland Fisheries and Wildlife Advisory Council from 10 members based on county representation to 7 members selected from the resource management regions established by the Department of Inland Fisheries and Wildlife.

This bill also proposed to create 3-member regional councils within each resource management region for the purpose of enhancing local input into fisheries and wildlife issues of local and statewide interest. The member of the state advisory council from each region is a member and chair of that region's local council. The other 2 members of a regional council are selected by the advisory council. Regional councils are required to hold at least 2 meetings each calendar year and to provide reasonable public notice of each meeting. All members serve without compensation.

The bill also proposed to repeal an existing provision of law granting the Commissioner of Inland Fisheries and Wildlife voting authority for the purpose of breaking a tie.

**LD 368**                      **An Act to Allow the Department of Inland Fisheries and Wildlife to Create Lifetime Fishing and Hunting Licenses**                      **PUBLIC 679**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK	OTP-AM    MAJ	H-1013
HALL	ONTP        MIN	H-1036 UNDERWOOD

LD 368 proposed to authorize the Commissioner of Inland Fisheries and Wildlife to establish and maintain an endowment fund to allow the issuance of lifetime hunting and fishing licenses.

**Committee Amendment "A" (H-101)** replaced the bill and was the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment proposed a more detailed framework for implementation of lifetime licenses for specific age groups.

This amendment also adds a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-1036)** clarifies that the holder of a resident lifetime fishing or hunting license must comply with all the limitations and prerequisites imposed on residents the same age who hold the equivalent annual license.

**Enacted law summary**

Public Law 1997, chapter 679 authorizes the issuance of lifetime fishing and hunting licenses beginning in the year 2000 to residents from zero to 5 years of age and to residents 65 years of age or older.

Money from the sale of these licenses is dedicated to the Lifetime License Fund, created in the Department of Inland Fisheries and Wildlife, except that the commissioner may withhold funds from deposit in the account as needed to avoid a loss in license revenue. The fund is administered by the Treasurer of State, who is directed to contract with investment firms as necessary to manage the fund for growth and income over the long term. The department will receive no revenue from the fund until the year 2010, at which time the department will begin receiving annual payments from the fund in an amount equal to 5 percent of the fund principal. All funds received by the department from the fund are subject to allocation by the Legislature.

**LD 751                      An Act to Outlaw the Use of Eel Pots in Inland Waters                      ONTP**

<u>Sponsor(s)</u> STEDMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 751 proposed to prohibit the use of eel pots in inland waters. The effective date of this bill was proposed to be January 1, 1998 so that persons possessing eel pot permits issued for calendar year 1997 may have lawfully fished for eels on inland waters using an eel pot until the expiration of that permit.

**LD 1159                      An Act to Open Trapping Season on Saturday                      ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1159 proposed that the open season on trapping begin on a Saturday.

**LD 1162                      An Act to Clarify the Duties of the Maine Atlantic Salmon Authority                      ONTP**

<u>Sponsor(s)</u> O'NEIL KIEFFER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1162 proposed to clarify that the Atlantic Salmon Authority has the sole authority to introduce, import, stock and rear or to permit the introduction, importation, stocking and rearing of Atlantic salmon, live or as eggs, into the State or into the inland or coastal waters of the State.

**LD 1479**

**An Act to Decriminalize Various Fish and Game Violations and Enhance Collectibility of Associated Penalties**

**ONTP**

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

LD 1479 proposed to decriminalize a number of fish and wildlife violations.

**LD 1730**

**An Act to Implement the Recommendations of the Great Pond Task Force**

**PUBLIC 739**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM A	S-600
COWGER	OTP-AM B	S-686 KILKELLY
	OTP-AM C	S-691 KILKELLY
	ONTP D	

LD 1730 was carried over by the Joint Standing Committee on Natural Resources and was re-referred during the Second Regular Session as a joint referral to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Natural Resource.

LD 1730 proposed to implement the recommendations of the Great Ponds Task Force by:

1. Establishing the Lakes Heritage Trust Fund in the Executive Department to protect, preserve and enhance the quality and value of the State's great ponds. The fund was to be administered by the Land and Water Resources Council and the council authorized to accept monetary contributions into the fund. The fund was be capitalized in part from 2 revenue sources proposed in the bill: a one-time registration fee for motorless watercraft and an annual \$10 water quality impact fee assessed on residential dwellings on lots within the watershed of a great pond.
2. Redefining the term "personal watercraft" to include jet propelled watercraft 14 feet or less in length.
3. Directing the Commissioner of Inland Fisheries and Wildlife to adopt rules governing the use, operation and type of watercraft that may be used on great ponds less than 200 acres in surface area and requires the commissioner to consider potential wildlife impacts, environmental values, including noise, and the traditional uses of a water body when adopting rules governing the horsepower, use, operation or type of watercraft allowed on a water body.
4. Increasing the registration fee for motorboats. The fee for the first motorboat registered by a person in a year was proposed to be increased from \$4 to \$15, with the fee for all subsequent registrations remaining at \$4.
5. Creating a new one-time registration fee for motorless watercraft by requiring a person to pay \$10 for each motorless canoe, kayak, sailboard, sailboat or rowboat.
6. Creating a new recreational motorboat rental and leasing license with an annual fee of \$50.

7. Prohibiting the operation of a motorboat on certain waters on Mt. Desert Island and within 1000 feet of the intake of a public drinking water supply.
8. Prohibiting the operation of a personal watercraft without a safety sticker; leasing or renting a motorboat without a license; wake jumping by operators of personal watercraft; operating a motorboat without proper safety instruction; and operating an airmobile or other motorboat in excess of allowable noise limits.
9. Prohibiting the use of personal watercraft on great ponds located wholly within the unorganized territories except as provided in rules adopted by the Commissioner of Inland Fisheries and Wildlife. The bill also proposed to allow the commissioner a 2-year period to adopt rules governing the use and operation of personal watercraft on great ponds less than 200 acres in the organized areas. On and after June 1, 1999, the use of personal watercraft on those great ponds would have been prohibited unless the commissioner had adopted rules prior to that date specifying the use and operation of personal watercraft on those waters. Great ponds within the jurisdiction of the Maine Tribal-State Commission were to be temporarily exempted from the prohibition until such time as the commissioner provided recommendations on the use of personal watercraft on great ponds to the Legislature.
10. Requiring the Commissioner of Inland Fisheries and Wildlife to establish a motorboat safety education program for persons from 12 to 16 years of age.
11. Limiting the liability of a lake association from personal injury, property damage or death caused by the placement or maintenance by the association of navigational aid markers located and maintained under the provisions of a permit and in accordance with the State's marking system of waterways.
12. Changing from \$2.20 per \$500 in value to \$2.42 per \$500 in value the transfer tax that applies to property located within the watershed of a great pond. The additional revenue generated by this tax was targeted for watercraft enforcement, education and training and the protection and enhancement of water quality in Maine lakes.
13. Assessing an annual \$10 water quality impact fee on each residential dwelling unit located within the watershed of a great pond. Revenues from this assessment are targeted at education and training of code enforcement officers and for the Lakes Heritage Trust Fund.
14. Increasing from 200 to 1,000 feet the allowable radius of the protection zone around intakes of public drinking water supplies.

**Committee Amendment "A" (S-600)** was the majority report of the Inland Fisheries and Wildlife Committee and the Natural Resources Committee. It was one of four committee reports. The amendment replaced the bill.

This amendment prohibits the operation of personal watercraft on remote and undeveloped ponds having at least one outstanding resource value that are wholly or partly within the jurisdiction of the Maine Land Use Regulation Commission. That provision would currently affect 242 ponds. The amendment also prohibits personal watercraft from lakes that are more than 2/3 in the Maine Land Use Regulation Commission jurisdiction and that have more than 1/2 of their shoreline in conservation ownership for low-impact public recreation. That provision would currently affect 3 great ponds. The amendment also prohibits motorboats with internal combustion motors on 5 ponds on Mount Desert Island that are entirely within Acadia National Park and prohibits motors greater than 10 horsepower on 2 other great ponds wholly within the park.

The amendment also expands the authority of the Commissioner of Inland Fisheries and Wildlife to regulate surface waters uses in the State by allowing the commissioner to regulate, in addition to horsepower, the use, operation and type of watercraft on great ponds for reasons that include, in addition to public safety, wildlife or environmental concerns, noise and traditional uses of the water body. Under this amendment, the commissioner may initiate rulemaking without being petitioned to do so. The petition process is amended to require that petitions from organized areas of the State be signed by 50 persons from the affected town, rather than 25, and to allow a petition from an unorganized territory to have fewer than 25 signatures of residents of that territory if the majority of residents in that territory is less than 25.

The amendment also requires that motorboat rental and leasing agents obtain a certificate from the Department of Inland Fisheries and Wildlife in order to lawfully rent or lease motorboats after January 1, 1999, with the exception of commercial sporting camps and campgrounds. The amendment also grants immunity to lake associations from personal injury, property damage or death caused by the association's buoys and increases from 200 to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies.

The amendment also authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and use of motors on waters less than 200 acres that are entirely within Indian territory. That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Indian land claims settlement.

The amendment also establishes 16 years of age as the minimum age to operate a personal watercraft and creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system.

The amendment also requires the Maine Land Use Regulation Commission, Department of Inland Fisheries and Wildlife and Department of Conservation, Bureau of Parks and Lands to report to the Legislature next session on the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction. It also requires the Department of Inland Fisheries and Wildlife to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters.

The amendment also adds an appropriation section and a fiscal note to the bill.

**Senate Amendment "C" to Committee Amendment "A" (S-686)** proposed to remove the provision in the majority report authorizing the Commissioner of Inland Fisheries and Wildlife to regulate the use, operation and type of watercraft on great ponds. This would leave the department with its existing authority to regulate horsepower of watercraft based on safety issues when petitioned to do so.

The amendment also proposed to add an unallocated section to the bill requiring the Commissioner of Inland Fisheries and Wildlife to submit a report to the first and second regular sessions of the 119th Legislature on the use, operation and type of watercraft on great ponds within the organized areas of the State based on recommendations voluntarily submitted to the commissioner by the municipalities in 1998 and 1999. Each report must be accompanied by legislation to implement municipal recommendations supported by the department and may include additional proposals from the department itself. Municipalities that choose to submit recommendations must first hold a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted.

**Senate Amendment "F" to Committee Amendment "A" (S-691)** proposed to strike the motorboat rental and leasing agent certificate requirements proposed in Committee Amendment "A" and replace them with similar

provisions that apply only to agents that rent or lease personal watercraft. The amendment also exempts property owners who offer renters the use of their registered personal watercraft from obtaining such a certificate.

### *Enacted law summary*

Public Law 1997, chapter 739 does the following:

1. Prohibits the operation of personal watercraft on remote and undeveloped ponds having at least one outstanding resource value that are wholly or partly within the jurisdiction of the Maine Land Use Regulation Commission( 242 ponds; 8% of all LURC ponds).
2. Prohibits personal watercraft from waters that are more than two thirds in LURC jurisdiction and that have more than half of their shoreline in conservation ownership for low impact public recreation (Currently Mooselookmeguntic Lake, Donnell Pond and Tunk Lake qualify under this provision)
3. Prohibits internal combustion motors on five ponds on Mount Desert Island that are entirely within Acadia National Park and prohibits motors greater than 10 horsepower on two other great ponds wholly within the Park;
4. Requires the Commissioner of Inland Fisheries and Wildlife to submit a report to the First and Second Regular Session of the 119th Legislature on the use, operation and type of watercraft on great ponds within the organized areas of the state based on recommendations voluntarily submitted to the commissioner by the municipalities. Each report must be accompanied by legislation to implement recommendations supported by the department, and may include additional proposals from the department itself. Municipalities that choose to submit recommendations must first hold a public hearing and must include a description of the resources the municipality or municipalities will use to enforce those regulations if enacted.
5. Requires that personal watercraft rental and leasing agents obtain a certificate from the Department of Inland and Fisheries and Wildlife in order to lawfully rent or lease personal watercraft after January 1, 1999, with the exception of commercial sporting camps, campgrounds and property owners who offer personal watercraft for use by people who rent or lease that property;
6. Grants immunity to lake associations from personal injury, property damage or death caused by the association's buoys;
7. Increases from 200 to 400 feet the maximum distance a water utility or municipality may place buoys and limit activities around intakes to public water supplies;
8. Authorizes the Maine Indian Tribal-State Commission to adopt rules to regulate horsepower and use of motors on waters less than 200 acres that are entirely within Indian Territory. (That authority does not take effect until approved by the Passamaquoddy Tribe and the Penobscot Nation, as required by the Land Claims Settlement Act.)
9. Establishes 16 as the minimum age to operate a personal watercraft;
10. Creates new civil penalties for operating a motorboat in excess of certain noise limits and for tampering with a motorboat muffler system.

- 11. Requires LURC, DIFW and BPL to report to the Legislature next session on the scope of their authority to regulate surface water uses and to make recommendations for regulating water bodies within their jurisdiction; and
- 12. Requires the DIFW to report back separately on a proposal for a safety training and education program for motorboat operators on inland waters.

**LD 1801**                      **An Act to Adopt Long-range Changes in the Methods by Which Whitewater Rafting Trips Are Allocated among Licensees**                      **PUBLIC 730**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM    MAJ OTP-AM    MIN	S-530

LD 1801 proposed to amend the commercial whitewater rafting laws in the following manner.

1. Set a recreational use limit for commercial passengers on the Kennebec River of 1,000 per day, effectively increasing the number of passengers allowed on Saturdays from 800 to 1,000 passengers. These 200 new allocations must be auctioned by the Department of Inland Fisheries and Wildlife by December 1, 1997 and the proceeds distributed equally between the General Fund and the department.
2. Require the Department of Inland Fisheries and Wildlife to designate certain unallocated days during which an outfitter may carry up to 120 passengers per unallocated day.
3. Establish a limit of 240 passengers per day on the Dead River for an outfitter.
4. Repeal the 5-year term for awarded allocations and specifies that the department may suspend, revoke or reduce the number of allocations when the department determines it is advisable to do so for better management or protection of public safety and welfare. The department may also suspend or revoke the allocations of an outfitter who fails to meet certain specified requirements.
5. Repeal the current allocation procedures and the requirement that the department allocate the right to conduct whitewater trips, instead giving the department the discretion to make allocations. Allocations may be transferred between outfitters subject to approval by the department. An outfitter is required to submit reports to the department documenting river use.

**Committee Amendment "A" (S-530)** is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife. This amendment replaced the bill. The amendment proposed several changes in the manner in which whitewater rafting is regulated in the State.

This amendment also adds an appropriation section and fiscal note to the bill.

**Committee Amendment "B" (S-531)** is the minority report of the Joint Standing Committee on Inland Fisheries and Wildlife. The amendment replaces the bill.

The report differs from the majority report in that it does not include any increase in the use limits on the Kennebec or any increase in the number of allocations that may be held by an outfitter.

As in the majority report, this amendment also proposed to repeal the statutory whitewater rafting allocation procedure and criteria for awarding allocations and repeals the provisions that require allocations to be reissued every 5 years. The Department of Inland Fisheries and Wildlife is charged with adopting rules governing the allocation procedure and criteria for awarding allocations and for the review of outfitters and allocations. The law prohibiting the profit on the return and reissuance of allocations is repealed, but allocations are not assets of the outfitter and must be returned to the department when the business is sold. The department retains the right to suspend, revoke or reduce the number of allocations for resource management reasons or for failure of the outfitter to perform.

Also as in the majority report, this amendment proposed to direct the department to sell, at a public auction, any new allocations that are forfeited to the department or that are created as a result of an increase in river use limits. Allocations created as a result of the department designating new allocated days by rule are distributed among outfitters based on their historical use of the river on that day. Outfitters are required to pay the appropriate allocation fee for those allocations as well.

This amendment also proposed to add an appropriation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 730 increases from 800 to 1,000 the commercial use limit on the Kennebec River on Saturdays and reduces from 20 to 10 the minimum number of allocations that may be awarded for that river. The Department of Inland Fisheries and Wildlife is directed to distribute the 200 new allocations created by this increase equally among the 17 whitewater outfitters who were licensed and ran trips in 1997. Each outfitter is required to pay the appropriate allocation fee prior to being issued those allocations. The law also increases from 80 to 120 the maximum number of allocations that may be held by an outfitter.

The law also repeals the statutory whitewater rafting allocation procedure and criteria for awarding allocations and repeals the provisions that require allocations to be reissued every 5 years. The Department of Inland Fisheries and Wildlife is charged with adopting rules governing the allocation procedure and criteria for awarding allocations and for the review of outfitters and allocations. The law prohibiting profit on the return and reissuance of allocations is repealed, but allocations are not assets of the outfitter and must be returned to the department when the business is sold. The department retains the right to suspend, revoke or reduce the number of allocations for resource management reasons or for failure of the outfitter to perform.

The law also directs the department to sell, at a public auction, any new allocations that are forfeited to the department or that are created as a result of an increase in river use limits. Allocations created as a result of the department designating new allocated days by rule are distributed among outfitters based on their historical use of the river on that day. Outfitters are required to pay the appropriate allocation fee for those allocations as well.

**LD 1921**

**An Act to Reduce the Cost of Archery Hunting Licenses for the Special Archery Season on Deer**

**ONTP**

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

LD 1921 proposed to reduce by 50% the cost of archery hunting licenses for the special archery season on deer.

**LD 2024**

**Resolve, to Establish Guidelines for the Ownership and Use of  
Certain Primates**

**ONTP**

<u>Sponsor(s)</u> BENNETT WATERHOUSE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2024 proposed to direct the Department of Inland Fisheries and Wildlife to set guidelines for the importation, ownership and use of certain primates and to consider policies to facilitate the use of certain primates by people with disabilities.

**LD 2038**

**An Act to Enhance the Safety of Snowmobile Rental Operations**

**PUBLIC 614**

<u>Sponsor(s)</u> JONES SL MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-852
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LD 2038 proposed to require that a snowmobile rental agent who rents or leases a snowmobile to another person instruct that person in proper snowmobile operation, including the use of the brake, throttle and kill switch, and provide to that person a copy of a pamphlet describing hand signals.

**Committee Amendment "A" (H-852)** replaced the bill and proposed to require that a person obtain a snowmobile rental agent certificate from the Commissioner of Inland Fisheries and Wildlife before engaging in the renting or leasing of snowmobiles. The amendment adds a fiscal note to the bill.

***Enacted law summary***

Public Law 1997, chapter 614 requires that a person obtain a snowmobile rental agent certificate from the Commissioner of Inland Fisheries and Wildlife before engaging in the renting or leasing of snowmobiles. The annual registration fee is \$25. The registration period runs from July 1st to June 30th. An exception is provided for camp trip leaders and licensed guides who accompany others on trips that include the use of snowmobiles.

A person who holds a snowmobile rental agent certificate may only rent snowmobiles that are registered to that person and must provide instruction on the use of the snowmobile to each person who rents or leases the snowmobiles.

This law also establishes a civil violation for which a minimum, nonwaivable, \$200 fine must be adjudged for any person who rents or leases snowmobiles without following the provisions of this bill.

**LD 2073**

**An Act to Promote Economic Development by Creating a Zone on the Northern Maine Border in which Snowmobiles Registered in New Brunswick or Quebec May Operate**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER D PARADIS	ONTP	

LD 2073 proposed to create a 50-mile buffer zone on the northern Maine border in which a snowmobile registered in New Brunswick or Quebec, but not in this State, may be operated.

**LD 2293**

**An Act to Implement the Recommendations of the Joint Standing Committee on Inland Fisheries and Wildlife Pursuant to Their Review under the Government Evaluation Act**

**PUBLIC 796**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PAUL	MAJ (OTP) REP	S-747

LD 2293 is the majority report of the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to its review of the Department of Inland Fisheries and Wildlife under the State Government Evaluation Act.

**Senate Amendment "B" (S-747)** removed a provision from the bill that is included in Public Law 1998, chapter 643.

***Enacted law summary***

Public Law 1997, chapter 796 establishes a "Hooked on Fishing Not on Drugs" program in the Department of Inland Fisheries and Wildlife and authorizes the Commissioner of Inland Fisheries and Wildlife to accept money, goods or services for the program. The bill also allows the department to sanction private fishing events and allows a person who does not hold a fishing license to assist a child or handicapped person participating in those events.

The law also clarifies the laws pertaining to shooting from a motor vehicle.

The law also establishes the Public Boat Launch Access Program in the department to provide fair and equitable access to public waters by acquiring waterfront property and providing appropriate access to those waters.

The law also increases from \$300 to \$1,000 the property damage amount that triggers a reportable accident under the snowmobile laws and authorizes the transfer of \$70,000 from the department's savings fund to the all other accounts of the Division of Public Information and Education for marketing purposes.