

Bill as Introduced

HB 1144 - AS INTRODUCED

2010 SESSION

10-2140
10/09

HOUSE BILL **1144**

AN ACT relative to the definition of a set line used for taking fish.

SPONSORS: Rep. Watters, Straf 4; Rep. Henson, Rock 13; Rep. Rogers, Straf 1; Rep. Sanders,
Rock 7; Sen. Merrill, Dist 21

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill clarifies the definition of a set line in the taking of fish.

This bill is a request of the fish and game department.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the definition of a set line used for taking fish.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 General Provisions; Fish and Game; Definitions. Amend RSA 207:1, XXV to read as follows:
- 2 XXV. Set Line: A set line [~~is an unattended line~~] ***means any unattended line which is***
- 3 ***placed in the freshwaters of the state, including through the ice, for the purpose of taking***
- 4 ***fish which is not under the direct view and control of the person placing the line.***
- 5 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 18
HB 1144 - FINAL VERSION

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STATE OF NEW HAMPSHIRE

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6 18:2 Effective Date. This act shall take effect 60 days after its passage.

7 Approved: May 7, 2010

8 Effective Date: July 6, 2010

Committee Minutes

SENATE CALENDAR NOTICE
WILDLIFE, FISH AND GAME AND AGRICULTURE

Senator John Gallus Chairman
 Senator Harold Janeway V Chairman
 Senator Amanda Merrill
 Senator Peggy Gilmour
 Senator David Boutin

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 30, 2010

HEARINGS

Tuesday

4/6/2010

WILDLIFE, FISH AND GAME AND AGRICULTURE

LOB 103

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

2:00 PM HB1129 2:05 PM HB1425 2:15 PM HB1175-FN 2:25 PM HB1660-FN 2:35 PM HB1144 2:40 PM HB1201	relative to saltwater fishing licenses for persons holding a lifetime license from the fish and game department. relative to the regulation of the processing of lobster tails. relative to duplicate registrations for snowmobiles. repealing the authority for the assessment of an administrative penalty for various OHRV and snowmobile violations. relative to the definition of a set line used for taking fish. (New Title) including loaded muzzleloaders in the prohibition of hunting from a vehicle.
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Sponsors:

HB1129 Rep. Dennis Abbott Rep. John Henson	Rep. Robert L'Heureux	Sen. John Gallus	Sen. Amanda Merrill
HB1425 Rep. John Henson	Rep. Dennis Abbott		
HB1175-FN Rep. Dennis Reed	Rep. David Palfrey		
HB1660-FN Rep. Dennis Reed	Rep. David Palfrey		
HB1144 Rep. David Watters Rep. Elisabeth Sanders	Sen. Amanda Merrill	Rep. John Henson	Rep. Rose Marie Rogers
HB1201 Rep. Lyle Bulis Rep. Margaret Porter	Rep. Robert L'Heureux	Rep. Betsy McKinney	Rep. Rose Marie Rogers

*Start 2:35
End 2:40*

Kathryn Cummings 271-3207

Sen. John Gallus
Chairman

Wildlife, Fish & Game, and Agriculture Committee

Hearing Report

TO: Members of the Senate

FROM: Michael Rollo, *Legislative Aide*

RE: Hearing report on **HB 1144** -An act relative to the definition of a set line used for taking fish.

HEARING DATE: April 6, 2010.

MEMBERS OF THE COMMITTEE PRESENT: Senators Gallus, Merrill, Gilmour, and Boutin.

MEMBERS OF THE COMMITTEE ABSENT: Senator Janeway.

Sponsor(s): Rep. Watters, Straf 4; Rep. Henson, Rock 13; Rep. Rogers, Straf 1; Rep. Sanders, Rock 7; Sen. Merrill, Dist 21

What the bill does: This bill clarifies the definition of a set line in the taking of fish. This bill is a request of the fish and game department.

Who supports the bill: Rep. Abbott, Rock. 12, Rep. Henson, Rock. 13, Rep. L'Heureux, Hills. 19, Rep. Rogers, Straf. 1, Timothy Acerno, NH Fish & Game.

Who opposes the bill: None

Summary of testimony received:

Rep. Abbott, Rock. 12 for Rep. Watters, Straf. 1- Prime Sponsor of HB 1144.

- Hearing called to order at 2:35pm.
- Bill at the request of the department.
- Defines what a set line is in statute.
- Line must be in fresh water and not in view or control of the person setting the line.
- Sen. Merrill asked for clarification on whether or not this could be applied to saltwater fishing. Rep. Abbott replied no, this mostly occurs with ice fishing.

Major Timothy Acerno, NH Fish & Game

- In support.
- Bill was at the request of the department and supported by the Fish & Game Commission.
- Clarifies any ambiguities in the current RSA 207:1. Definition will be the same as administrative rule on set lines.

Hearing was closed at 2:37pm.

Funding: Not applicable.

Future Action: Senator Merrill moved "Ought to Pass" on HB 1144. Seconded by Senator Boutin. Motion carried, 4-0. Senator Boutin for the committee.

MSR

File: HB 1144

Date: April 6, 2010.

Date: April 6, 2010
Time: 2:35 PM
Room: LOB 103

KC

The Senate Committee on Wildlife, Fish and Game and Agriculture held a hearing on the following:

HB 1144 relative to the definition of a set line used for taking fish.

Members of Committee present: Senator Gallus
Senator Merrill
Senator Gilmour
Senator Boutin

The Chair, Senator John Gallus, opened the hearing on House Bill 1144 and invited Representative Dennis Abbott to introduce the legislation.

Representative Dennis Abbott: Thank you. I'm here in behalf of Representative Waters, who in his real life is a professor at the University of New Hampshire. It didn't seem right for him to have to cut a class to present this most difficult bill, relative to the definition of a set line used for taking fish.

Again, this is a request of the Fish and Game Department, which clarifies what a set line is. In other words, it's a fishing line that you put in the water and you walk away from it and you come back and you tend it at a later date and the Department, I don't if it was through some court action, realized that they needed to further define the law.

So, it's probably the simplest bill of the simple bills that you've heard today and if there's any clarification, I'm sure Fish and Game could offer you more clarification. Thank you and I thank the Committee.

Senator John T. Gallus, D. 1: Thank you very much. Any questions from the Committee? There, Senator Merrill?

Senator Amanda Merrill, D. 21: Thank you, Mr. Chairman.

Senator John T. Gallus, D. 1: We forgot to explain the rules to her.

KC

Senator Amanda Merrill, D. 21: So, this doesn't include then people who are surf fishing at the beach?

Representative Abbott: No.

Senator Amanda Merrill, D. 21: This is just fresh water?

Representative Abbott: No. I think that the actual most common use of a set line is they fish for fish called cusk, where you put a line on through the ice and you leave it overnight and the fish bite I guess at night and come back in the daylight and those are the kind of lines that they're talking about.

Senator John T. Gallus, D. 1: Any other questions from the Committee? There being none, we thank you very much for your testimony.

Representative Abbott: Thank you.

Senator John T. Gallus, D. 1: And we'll recognize Tim Acerno.

Assistant Chief Timothy Acerno: Make sure I keep my bills straight here. Good afternoon, Mr. Chairman and members of the Committee. For the record, my name's Timothy Acerno and I'm the Assistant Chief of Law Enforcement Fish and Game. I'm here representing Fish and Game Department in support of this bill. It was a request from the Department and the Commission voted to support it.

As Representative Abbott had said, Mr. Chairman, this is our request and we learn by experience. There's a definition in statute, there's also a definition in our Administrative Rules. Our Administrative Rules are, we feel, are more inclusive and be a better definition and all we're also asking is that this rule be put into statute as a definition.

With that, Mr. Chairman, I thank you for the opportunity to come before the Committee once again this afternoon.

Senator John T. Gallus, D. 1: Any questions from the Committee? There being none, we thank you very much for your testimony.

Assistant Chief Acerno: You're welcome, Mr. Chairman.

Senator John T. Gallus, D. 1: Also in favor of the bill is Representative Henson and Representative Bob L'Heureux. Opposed are Representative Rogers, oh, for it? Okay, I'll put you down for it. Oh, you're not speaking?

KC

Excuse me and you are in support? Okay. Everybody is in support. Those are the only people signed up and so we will close the hearing.

Hearing concluded 2:40 pm

Respectfully submitted,



Kathryn Cummings
Senate Committee Secretary
May 5, 2010

Speakers

Testimony



New Hampshire Fish and Game Department

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(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department
Testimony in support of HB 1144
An act relative to the definition of a set line used for taking fish**

**Senate Wildlife, Fish and Game and Agriculture Committee
April 6, 2010**

Good afternoon Mr. Chair and members of the Committee. For the record my name is Timothy Acerno and I am the Assistant Chief of Law Enforcement for the Fish and Game Department. The Department requested this bill and the Fish and Game Commission voted to support it.

The Department continues to work with the Legislature to identify and correct any problems that may come to light while enforcing or administering the various programs. While the current definition of a set line in RSA 207:1 does identify a set line as we understand it, there are some circumstances the Department feels need to be addressed. The proposed definition has been reviewed by the Law Enforcement and Fisheries Staff and we feel the concerns have been addressed.

Mr. Chair, thank you for the opportunity to testify before the Committee this afternoon and the Department urges the Committee to vote in support of this proposal.

REGION 1

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Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2

PO Box 417
New Hampton, NH 03256
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email: reg2@wildlife.nh.gov

REGION 3

225 Main Street
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(603) 868-1095
FAX (603) 868-3305
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REGION 4

15 Ash Brook Court
Keene, NH 03431
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Voting Sheets

Senate Wildlife & Agriculture Committee

EXECUTIVE SESSION

Bill # HB 1144

Hearing date: 4/6/10

Executive session date: 4/6/10

Motion of: OTP

VOTE: 4-0

Made by
Senator:

Gallus	<input type="checkbox"/>
Janeway	<input type="checkbox"/>
Merrill	<input checked="" type="checkbox"/>
Gilmour	<input type="checkbox"/>
Boutin	<input type="checkbox"/>

Seconded
by Senator:

Gallus	<input type="checkbox"/>
Janeway	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Gilmour	<input type="checkbox"/>
Boutin	<input checked="" type="checkbox"/>

Reported
by Senator:

Gallus	<input type="checkbox"/>
Janeway	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Gilmour	<input type="checkbox"/>
Boutin	<input checked="" type="checkbox"/>

Motion of: _____

VOTE: _____

Made by
Senator:

Gallus	<input type="checkbox"/>
Janeway	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Gilmour	<input type="checkbox"/>
Boutin	<input type="checkbox"/>

Seconded
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Gallus	<input type="checkbox"/>
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Merrill	<input type="checkbox"/>
Gilmour	<input type="checkbox"/>
Boutin	<input type="checkbox"/>

Reported
by Senator:

Gallus	<input type="checkbox"/>
Janeway	<input type="checkbox"/>
Merrill	<input type="checkbox"/>
Gilmour	<input type="checkbox"/>
Boutin	<input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Gallus, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Janeway, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Gilmour	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Boutin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 6, 2010

THE COMMITTEE ON Wildlife, Fish and Game and Agriculture
to which was referred House Bill 1144

AN ACT relative to the definition of a set line used for taking fish.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator David R. Boutin
For the Committee

Kathy Cummings 271-3207

New Hampshire General Court - Bill Status System

Docket of HB1144

Docket Abbreviations

Bill Title: relative to the definition of a set line used for taking fish.*Official Docket of HB1144:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Fish and Game and Marine Resources; HJ 6 , PG.230
12/22/2009	H	Public Hearing: 1/14/2010 1:45 PM LOB 307
01/06/2010	H	Executive Session: 1/19/2010 1:00 PM LOB 307
01/20/2010	H	Committee Report: Ought to Pass for Jan 27 CC (vote 13-0); HC 8 , PG.333
01/27/2010	H	Ought to Pass: MA VV; HJ 12 , PG.501
03/03/2010	S	Introduced and Referred to Wildlife, Fish and Game & Agriculture
03/31/2010	S	Hearing: April 6, 2010, Room 103, LOB, 2:35 p.m.; SC14
04/07/2010	S	Committee Report: Ought to Pass 4/14/10; SC15
04/14/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 14 , Pg.294
04/14/2010	S	Passed by Third Reading Resolution; SJ 14 , Pg.295
04/21/2010	S	Enrolled; SJ 15 , Pg.331
04/21/2010	H	Enrolled; HJ 35 , PG.1671
05/10/2010	H	Signed By the Governor 05/07/2010; Effective 07/06/2010; Chapter 0018

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 1144 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: A

EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

9/28/10

Keedyn Cummins
COMMITTEE SECRETARY