

STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

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

May 2016

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*Joint Standing Committee on Inland Fisheries and Wildlife*

**LD 609      An Act To Allow a Nonresident Landowner Who Owns 25 or More Acres of Land To Hunt on Residents-only Deer Hunting Day**

**PUBLIC 401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J DAVIS P	OTP-AM ONTP	H-550

This bill was carried over from the First Regular Session of the 127th Legislature. It authorizes the Commissioner of Inland Fisheries and Wildlife to issue any hunting or fishing license at a reduced rate to a nonresident who owns more than 250 acres of land in this State and keeps that land open for hunting.

**Committee Amendment "A" (H-550)**

This amendment is the majority report of the committee. It replaces the bill and allows a nonresident who owns 25 or more acres of land in Maine and leaves that property open to hunting and holds a valid hunting license to hunt on the Saturday preceding the first day of the open season on deer, otherwise known as residents-only deer hunting day. This amendment also repeals this provision on September 15, 2018.

**Enacted Law Summary**

Public Law 2015, chapter 401 allows a nonresident who owns 25 or more acres of land in Maine and leaves that property open to hunting and holds a valid hunting license to hunt on the Saturday preceding the first day of the open season on deer, otherwise known as residents-only deer hunting day. This law is repealed September 15, 2018.

**LD 640      Resolve, To Establish a Working Group To Review the Incidental Take Permitting Process under the Endangered Species Laws**

**ONTP**

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

This resolve was carried over from the First Regular Session of the 127th Legislature. It requires the Department of Inland Fisheries and Wildlife to convene a working group of representatives of related industries to develop recommended statutory amendments or agency rules to implement the statute governing the incidental take permitting process governing the taking of an endangered or threatened species while engaged in a lawful activity.

**LD 668      An Act To Market Maine's Hunting and Fishing Opportunities**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE R CYRWAY S	OTP-AM	H-587

This bill directs the Commissioner of Inland Fisheries and Wildlife to establish a comprehensive marketing program for the Department of Inland Fisheries and Wildlife that is led and coordinated by a dedicated marketing specialist, whose position is required to be created within the department's Division of Public Information and Education.

**Committee Amendment "A" (H-587)**

This amendment adds a General Fund appropriation of \$250,000 in ongoing funding in fiscal year 2016-17 to fund

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the establishment and operation of the comprehensive marketing program proposed in the bill and to fund one Marketing Specialist position. It also directs the Department of Inland Fisheries and Wildlife to submit a bill to the First Regular Session of the 128th Legislature to increase the total funding for the comprehensive marketing program to \$300,000 in fiscal year 2017-18.

This amendment repeals the comprehensive marketing program on July 1, 2019.

**LD 1593     An Act To Make Hunting, Fishing and Trapping the Basis of Managing  
Inland Fisheries and Wildlife Resources**

**PUBLIC 416**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-573

This bill was reported by the committee pursuant to joint order, H.P. 976 and then referred back to the committee for processing in the normal course.

This bill establishes contingent wildlife management provisions that become effective when a ballot measure for a direct initiative of legislation is approved that reduces wildlife management methods available to the Department of Inland Fisheries and Wildlife. The provisions of this bill apply only to the animals that are significantly affected either directly or indirectly by the approved ballot measure. The bill does the following.

1. It places a cap on the revenue the Commissioner of Inland Fisheries and Wildlife may expend to control animals causing damage or any other nuisance animals to the level spent in the fiscal year prior to the effective date of the direct initiative of legislation.
2. It prohibits the commissioner from establishing or implementing a sterilization program to control the population of an animal.
3. It provides that the department may not dispose of an animal in a manner that would constitute waste under existing statute and prohibits the department from disposing of on state-owned land an animal killed by the department.
4. It requires the commissioner to develop a landowner depredation program that sets a limit on the number of animals that may be retained by the landowner and requires a landowner to donate any animal taken from that landowner's land for depredation purposes exceeding the limit established by the commissioner to the Hunters for the Hungry program.
5. It also provides that within 90 days after the Secretary of State verifies a petition that proposes to reduce or alter wildlife management methods or management options available to the department and sends the proposed measure to the Legislature, the commissioner must conduct an impact assessment on that measure and report the commissioner's analysis to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.
6. It requires the commissioner to report on the landowner depredation program annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

**Committee Amendment "A" (H-573)**

Current law provides that the Department of Inland Fisheries and Wildlife is established to preserve, protect, enhance and effectively manage the inland fisheries and wildlife resources of the State. This amendment replaces the bill and adds using regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible.

# Joint Standing Committee on Inland Fisheries and Wildlife

## Enacted Law Summary

Public Law 2015, chapter 416 provides that the Department of Inland Fisheries and Wildlife must use regulated hunting, fishing and trapping as the basis for wildlife resource management whenever feasible.

### LD 1636 An Act To Amend the Laws Relating to Endangered and Threatened Species

**PUBLIC 423  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-421

This bill was reported by the committee pursuant to joint order, S.P. 637 and then referred back to the committee for processing in the normal course.

This bill makes the following changes to the law regarding the incidental take of an endangered or threatened species.

1. It authorizes the Commissioner of Inland Fisheries and Wildlife to create a widespread activity incidental take plan when the commissioner determines that the activity is widespread and conducted by a reasonably identifiable group of participants as long as:
  - A. The activity poses a manageable risk of taking an endangered or threatened species;
  - B. Any taking would be incidental to an otherwise lawful activity; and
  - C. The taking will not impair the recovery of any endangered or threatened species.
2. It authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to provide a broad activity exemption for the taking of an endangered or threatened species if the exemption:
  - A. Addresses a specific activity that is widespread in its occurrence and participation but may not have a reasonably identifiable group of participants;
  - B. Poses little or no risk for an incidental take of an endangered or threatened species; and
  - C. Will not individually or cumulatively impair the recovery of any endangered or threatened species.
3. It requires the Commissioner of Inland Fisheries and Wildlife to hold at least one public hearing on a proposed widespread incidental take plan or a proposed broad activity exemption and to seek input from knowledgeable individuals or groups on each proposal.
4. It repeals and reallocates provisions of existing statute regarding endangered and threatened species for purposes of clarity and readability.

### Committee Amendment "A" (S-421)

This amendment adds an emergency preamble and emergency clause to the bill, making it effective upon approval.

## Enacted Law Summary

Public Law 2015, chapter 423 makes the following changes to the law regarding the incidental take of an endangered or threatened species.

## *Joint Standing Committee on Inland Fisheries and Wildlife*

1. It authorizes the Commissioner of Inland Fisheries and Wildlife to create a widespread activity incidental take plan when the commissioner determines that the activity is widespread and conducted by a reasonably identifiable group of participants as long as:
  - A. The activity poses a manageable risk of taking an endangered or threatened species;
  - B. Any taking would be incidental to an otherwise lawful activity; and
  - C. The taking will not impair the recovery of any endangered or threatened species.
2. It authorizes the Commissioner of Inland Fisheries and Wildlife to adopt rules to provide a broad activity exemption for the taking of an endangered or threatened species if the exemption:
  - A. Addresses a specific activity that is widespread in its occurrence and participation but may not have a reasonably identifiable group of participants;
  - B. Poses little or no risk for an incidental take of an endangered or threatened species; and
  - C. Will not individually or cumulatively impair the recovery of any endangered or threatened species.
3. It requires the Commissioner of Inland Fisheries and Wildlife to hold at least one public hearing on a proposed widespread incidental take plan or a proposed broad activity exemption and to seek input from knowledgeable individuals or groups on each proposal.
4. It repeals and reallocates provisions of existing statute regarding endangered and threatened species for purposes of clarity and readability.

Public Law 2015, chapter 423 was enacted as an emergency measure effective April 1, 2015.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**SUBJECT INDEX**

**Department of Inland Fisheries and Wildlife**

**Enacted**

LD 1593      An Act To Make Hunting, Fishing and Trapping the Basis of Managing Inland Fisheries and Wildlife Resources      PUBLIC 416

**Not Enacted**

LD 668      An Act To Market Maine's Hunting and Fishing Opportunities      Died On Adjournment

**Endangered and Threatened Species**

**Enacted**

LD 1636      An Act To Amend the Laws Relating to Endangered and Threatened Species      PUBLIC 423 EMERGENCY

**Not Enacted**

LD 640      Resolve, To Establish a Working Group To Review the Incidental Take Permitting Process under the Endangered Species Laws      ONTP

**Landowners**

**Enacted**

LD 609      An Act To Allow a Nonresident Landowner Who Owns 25 or More Acres of Land To Hunt on Residents-only Deer Hunting Day      PUBLIC 401