

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

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

IN SUPPORT OF L.D. 491

**“Resolve, to Require the Department of Inland Fisheries and Wildlife to Develop a Plan
for Communication Regarding Certain Municipal Regulation”**

Presented by Representative WOOD of Greene.
Cosponsored by Representatives: LANDRY of Farmington, MASON of Lisbon.

DATE OF HEARING: April 19, 2023

Good afternoon Senator LaFountain, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Tim Peabody, Deputy Commissioner of the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in support of **L.D. 491**.

This resolve requires the Department of Inland Fisheries and Wildlife to develop and report by January 1, 2024 a plan to inform municipalities about the limits on local regulation of hunting, fishing and trapping and the operation of watercraft, snowmobiles and all-terrain vehicles and a distribution scheme for the information.

The Department frequently receives questions from municipalities and the public regarding municipal ordinances that encroach on regulating outdoor activities under the purview of this Department i.e. stipulations for hunting, boating, and fishing for examples.

Title 12 §13201 limits municipalities authority to regulate hunting, fishing, and trapping in addition to boats, snowmobiles, and ATVs in the following manner:

A municipality or political subdivision of the State may not enact any ordinance, law or rule regulating or charging a fee for the hunting, trapping or fishing for any species of fish or wildlife; the possession or use of any equipment expressly permitted for use in hunting under this Part; the operation, registration or numbering of all-terrain vehicles, watercraft or snowmobiles or any other subject matter relating to all-terrain vehicles, watercraft or snowmobiles regulated under chapter 935 or 937 or under any other provisions of this Part, except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by that municipality. For purposes of this section, except as provided in subsection 3, the regulation of fishing includes the regulation of ice fishing shacks. This section does not prohibit:

- 1. Firearm discharge.** *The enactment of any ordinance generally regulating the discharge of firearms in a municipality or any part of a municipality;*
- 2. Certain rules.** *The adoption of rules as authorized in section 13051; or*
- 3. Ice fishing shacks.** *The enactment of any ordinance regulating ice fishing shacks on:*
 - A. Sources of public water supply as provided under Title 22, section 2642 except that a municipality or political subdivision of the State may not impose a fee on ice fishing shacks on sources of public water supply; or*
 - B. Coastal waters as defined in section 6001, subsection 6 except that a municipality or political subdivision of the State may not impose a fee on ice fishing shacks on coastal waters*

The Department supports LD 491 as we believe many municipalities are not aware of the scope of the limits on local regulation when it comes to public resources belonging to all Maine citizens. Several times this session we have discussed the North American Model of wildlife management where the oversight of wildlife is entrusted to the state, and our great ponds are public waters for everyone to enjoy. Locally regulating these resources is complicated for the public and in many instances a burden to municipalities to take on the responsibility.

The Department has already spoken to Maine Municipal Association about ways to better communicate with municipal officials around the state and we have begun drafting “frequently asked questions” documents for regulating watercraft. We intend to further support this resolve through attending appropriate meetings sponsored by Maine Municipal Association as well as creating some “video guides” and other multimedia approaches. We feel this outreach effort would create a starting point to give everyone a better understanding of the regulatory lines between the state and municipal governments on fish and wildlife management and recreational vehicle operations.

I would be glad to answer any questions at this time or during the work session.