

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

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

In Support of L.D. 1787

An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws

SPONSORED BY: Senator DILL of Penobscot.

DATE OF HEARING: May 29, 2019.

Good afternoon Senator Dill, Representative Nadeau and members of the Inland Fisheries and Wildlife Committee. I am Joel Wilkinson, Colonel for the Maine Warden Service representing the Department, speaking in support of **L.D. 1787**.

These are the Department's proposals for modification to Title 12 laws related to fish and wildlife enforcement that bring simplification, add consistency and alignment with current practice.

This bill changes the inland fisheries and wildlife laws in the following manner:

- **Sections 1 (pg. 1) & 23 (pgs. 8, 9 & 10):** Provides for restitution of expenses incurred as a result of scientific testing to enhance investigation procedures. Fish and wildlife related investigations often require scientific DNA testing to determine the number of different animals taken, the type of animal or sex of the animal(s). This is an effective but costly way to be more successful with prosecutions of intentional fish and wildlife related crimes that may involve illegally sold or possessed species. This proposes to expand the definition of "critical investigation expense" within Title 17A and also adds language within Title 12 that refers back to Title 17A and provides an added sentencing alternative when someone is convicted;
- **Sections 2 (pg. 1), & 6 (pg. 3):** Strengthens the prohibition of abuse of another person's property by removing reference to certain stated activities such as hunting, fishing or trapping to allow IFW to enforce the law against persons who abuse another person's property but who may not be involved in an activity such as hunting, fishing or trapping;
- **Sections 3 (pg. 2), & 10 (pg. 4):** Provides penalties for bag and possession limit violations for individual upland game species as established by the commissioner. It creates a violation similar to "Unlawful Possession of Wild Animals or Wild Birds". It creates a fine penalty for individual upland game species anytime a person goes over the bag limit for that species. Ruffed Grouse are an upland game species so we are asking

that the specific statute related to Ruffed Grouse be repealed as it will no longer be needed;

- **Sections 4 (pg. 3), 13, & 14 (pgs. 4 & 5):** Requires all edible meat from bear, deer and moose to be presented for registration with evidence of sex but allows a hunter to leave certain unneeded parts in the woods for ease of transportation;
- **Section 5 (pg. 3):** Clarifies that a person's hunting license will be revoked if the person is convicted of night hunting while in possession of a thermal imaging device. This makes it clear that thermal imaging cameras are a form of night vision and are therefore illegal and if a person is convicted of night hunting it will be a license suspension for 5 years, to be consistent with the use of other forms of night vision while night hunting;
- **Sections 7 (pg. 3) & 21, (pg. 7):** Makes it illegal for nonviolent juvenile offenders and persons convicted of domestic violence to possess a firearm hunting license. The new domestic violence law within Title 15 section 393 makes it a state offense for a domestic violator to possess a firearm for 5 years from conviction. We have cross-referenced the section within Title 15. We are asking for a change to the original proposal which is to pull section 23 of the bill;
- **Sections 8, (pg. 3) 9 (pg. 4), 15, 16 (pg. 5), & 17 (pg. 6):** Clarifies that bear fat not attached to the meat can legally be used for personal or commercial use without a hide dealer's license. There have been numerous people asking to utilize bear fat for various purposes, both personally and commercially and have wondered if the fat is regulated or if they have to be a hide dealer to sell it. This answers those questions and also clarifies how to distinguish between the fat and the meat and hide, it also makes it consistent with uses of other parts of big game animals;
- **Section 11 (pg. 4):** Clarifies that a person may not take or possess reptiles or amphibians from the wild for export, sale or commercial purposes. Because of the “**and**” both actions, take and possessed, need to be proven to meet the elements of this crime. It should read “or” so that a person can be charged with either the taking **or** possessing of a reptile or amphibian from the wild when they are trying to export or sell them for commercial purposes;
- **Section 12 (pg. 4):** Clarifies the time limit to register a bear, deer, moose or wild turkey. Current language has been construed to mean that the time limit of 18 hours only begins once the animal is brought home or to the place of storage but the interpretation and enforcement of this law has always been that the time limit begins once the animal is killed and reduced to the hunter’s possession;
- **Section 18 (pg. 6):** Creates a new definition that defines “Marine Engine” within the recreational vehicle definition section of Title 12;

- **Section 19 (pg. 6):** Amends the definition of "owner" for the purpose of registration of a snowmobile, watercraft and ATVs to make the definitions consistent for all three types of recreational vehicles. IFW does not title recreational vehicles or watercraft in Maine. This will address the “right to possession” for recreational vehicles titled in another state and address an issue of someone selling a recreational vehicle and a new owner being able to operate it on an old registration and not having to re-register it;
- **Section 20 (pg. 6):** Replaces the prohibition on operating a motorboat that exceeds noise limits with a prohibition on operating a marine engine that exceeds noise limits. The Commissioner has the authority within Title 12 section 13068-A-10 to test motorboats to ensure legal noise levels. The administration of the test has never been prescribed in rule. The department is proposing rule language to specify how to administer a stationary sound level test which should be finalized next month. In order to create the rule, the current statutory language needs to be amended to specify that a marine engine is what is being tested not a motorboat because motorboat is too vague; and
- **Section 22:** Provides that a person is guilty of aggravated trafficking in a scheduled drug if the person is convicted of trafficking drugs while in an area open to fishing for only persons under 16 years of age or open to persons with a complimentary fishing license.

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