

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

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

**IN SUPPORT OF L.D. 131
“An Act to Clarify and Correct Inland Fisheries and Wildlife Laws”**

SPONSORED BY: Senator Black of Franklin

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. 131**.

The proposals within this bill were brought forward by the agency and supported by the Governor. I am going to explain the changes to fish and wildlife laws in order by section within the bill.

Sec. 1. This section repeals an annual report to the Legislative Committee on deer management because this information is already provided within an extensive resource management report written annually by the department, which can be given to the committee each session.

Sec. 2. This section modifies the Black Bear Research Fund. Currently it can only be used to fund research on black bears, but it cannot be used to conduct bear management activities such as conflict response. Allowing this fund to be used for both research and management activities, will ensure the Department has adequate funding for all of its program needs and responsibilities related to black bear management while minimizing the need for general funds to manage bears.

Sec. 3. Clarifies when an officer informs a person of the consequences of refusing to comply with a chemical test, that it shall be, “after a person’s refusal to submit to a chemical test”. This change is reflective of the current training at the Maine Criminal Justice Academy.

Sec. 4. The change requested to add a reference to subsection 11-A is no longer necessary and will be further clarified in Section 6 of this bill. This original request is based on my testimony for Section 5. The Department during work session will request a strikethrough of a portion of line 38 and 39 of this bill.

Sec. 5. In response to State v. Weddle, 2020 ME 12, this bill repeals Maine Revised Statute, Title 12, section 10703, subsection 11, which was found to be unconstitutional in that it required blood to be taken without consent and without probable cause to believe a person was

impaired by alcohol or drugs at the time the person's blood was taken. This is specific to hunting, watercraft, snowmobile, and ATV incidents resulting in serious injury or death.

Sec. 6. We would respectfully ask that this section of the bill be removed this new language is covered within paragraphs 1-10 of the current statute (12 MRS §10703).

Sec. 7. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents certification from the respective reservation chief or governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the taking the trapping course. IFW implemented a specific bear trapping course in 2022 and this proposal makes it clear that Members of the federally recognized "Indian" tribes are also exempt from this course. The term "Indian" was added to be consistent with other statutory references to the Maine Tribes.

Sec. 8. This language explains and provides clarity on how a super pack licensee applies for an antlerless deer permit. Since the new antlerless deer permit lottery system has been implemented this provides clear steps on how super pack license holders can apply for or purchase some type of antlerless deer permit. Previously superpack license holders were confused when they had to pay for a permit and when the permit was included in their license.

Sec. 9. Is connected to Section 8 (superpack) which I have just described it changes the paragraph title to "Deer harvest authorizations" and amends a reference to subsection 2-A. As a side note, LD 189 which was "An Act to Include an Expanded Archery Permit in the Super Pack License Issued by IFW" was voted out of committee earlier this session and impact the same section of law. This is a reminder to those working on the 2 bill drafts to make sure that the sections are implemented in a way that won't be in conflict.

Sec. 10. This section repeals an annual report to the Legislative Committee on moose management because this information is already provided within an extensive resource management report written annually by the department, which can be given to the committee each session.

Sec. 11. This provides clarity that members of federally recognized nations, bands or tribes in Maine are not required to complete the new bear trapping education course as previously presented in Section 7 of this bill.

Sec. 12 and 13. Corrects the cost of a resident combination hunting and fishing license and the resident combination archery hunting and fishing license because there is a conflict between two sections of Title 12 regarding the cost of a combination license. IFW charges \$43 for a combination hunt/fish license, that is the correct cost. Section 11109 provides that it costs \$43 while section 12501 has an incorrect cost of \$42.

Sections 14-16. Removes reference to specific types of personal flotation devices from boating safety statutes. The U.S. Coast Guard conducts a compliance check on all states and the removal of the reference to specific types of life jackets from statute is required for Maine to be in compliance with federal Coast Guard law. We have often referred to life jackets as either Type I, II, III, IV or V but they will now simply be referred to as personal flotation devices. Specific types will now be referenced in rule which essentially adopts the Coast Guard requirements for PFDs.

Sec. 17. This removes the provision requiring a person under 16 years of age to be accompanied by a parent or guardian in an ATV training program because many are offered online versus in person. It was not practical to require parental presence for online safety training. This will allow for a parent to make the decision rather than a prescription in law.

Sec. 18. This section creates a specific effective date of January 1, 2024 for section 8 of the bill as it relates to clarifying information on the steps a person takes to receive an antlerless deer permit with the super pack license.

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