

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1593

H.P. 1083

House of Representatives, February 18, 2016

An Act To Establish a Contingency Wildlife Management Plan

Reported by Representative DUCHESNE of Hudson for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order 2015, H.P. 976.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §§10111 and 10112** are enacted to read:

3 **§10111. Contingency wildlife management provisions**

4 When a ballot measure for a direct initiative of legislation as described in Title 21-A,
5 chapter 11 is approved that reduces or alters wildlife management methods or
6 management options available to the department, the commissioner shall implement the
7 provisions of this section in relation to any fish or wildlife species significantly affected
8 either directly or indirectly by the approved measure. For purposes of this section,
9 "animal" means a fish or wildlife species that is significantly affected directly or
10 indirectly by the approved ballot measure.

11 **1. Expenditures prohibited.** The commissioner may not expend any revenues on
12 the animal damage control pursuant to section 10053, subsection 8 or any other nuisance
13 animal control activities in excess of the amount expended in the fiscal year prior to the
14 effective date of the ballot measure for a direct initiative of legislation as described in
15 Title 21-A, chapter 11, adjusted annually for inflation.

16 **2. Sterilization program.** The commissioner may not establish or implement a
17 sterilization program to control the population of an animal.

18 **3. Waste.** The department may not dispose of any animal in a manner that
19 constitutes waste under section 11224 and may not dispose of on state-owned land any
20 animal killed by the department.

21 **4. Landowner depredation program.** The commissioner shall develop a
22 landowner depredation program that allows a landowner or landowner's agent to take an
23 animal for purposes of depredation on that landowner's property. The program must
24 include, but is not limited to, the following.

25 A. Except as provided in paragraph B, a landowner or landowner's agent may not
26 retain, in whole or in part, more than 2 animals of the same species at any one time.

27 B. If a landowner or landowner's agent exceeds the limit established in paragraph A,
28 the landowner or the landowner's agent must donate any animal in excess to the
29 Hunters for the Hungry program under section 10108 or, if the animal is not suitable
30 for donation under the program, the department shall assist the landowner in the
31 proper disposal of the animal but may not authorize the landowner to retain the
32 animal or any part of the animal beyond the limit established in paragraph A.

33 The commissioner shall report annually to the joint standing committee of the Legislature
34 having jurisdiction over inland fisheries and wildlife matters on the landowner
35 depredation program, including, but not limited to, the number of animals killed pursuant
36 to this subsection.

37 The commissioner shall adopt rules to implement this section. Rules adopted
38 pursuant to this section are major substantive rules as defined in Title 5, chapter 375,
39 subchapter 2-A.

