

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 298

6  
7 S.P. 122

In Senate, January 27, 1983

8 Received by the Secretary of the Senate on January 27, 1983. Referred to  
9 the Committee on Taxation, and ordered printed pursuant to Joint Rule 14.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Wood of York.

Cosponsors: Senator Clark of Cumberland, Representative Livesay of  
11 Brunswick and Representative Jacques of Waterville.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Provide an Income Tax Checkoff  
18 for Voluntary Support of Nongame Wildlife  
19 Management.  
20

21 Be it enacted by the People of the State of Maine as  
22 follows:

23 Sec. 1. 5 MRSA §1664, last ¶, as amended by PL  
24 1981, c. 444, §1, is further amended to read:

25 Part 3 shall embrace complete drafts or summaries  
26 of the budget bills, the legislative measures re-  
27 quired to give legal sanction to the financial plan  
28 when adopted by the Legislature. These bills shall  
29 include General Fund appropriation bills and alloca-  
30 tion bills for the following: Highway Fund, Inland  
31 Fisheries and Wildlife Fund, Federal Revenue Sharing  
32 Fund, Coastal Protection Fund, Maine Nuclear Emer-  
33 gency Planning Fund, Maine Endangered and Nongame  
34 Wildlife Fund and for the administrative expenses of

1 the Bureau of Alcoholic Beverages and the State Liquor Commission, authorizing expenditures for each  
2 fiscal year of the ensuing biennium and such other  
3 bills as may be required to provide the income necessary to finance the budget.  
4  
5

6 Sec. 2. 36 MRSA §5284 is enacted to read:

7 §5284. Nongame wildlife voluntary checkoff

8 1. Legislative finding. The Legislature finds  
9 that endangered, threatened and other nongame wildlife need special management and that it is in the  
10 public interest to preserve, protect, perpetuate and enhance the nongame wildlife resources of this State.  
11 This section provides financing for this management through a voluntary checkoff designation on state  
12 individual income tax return forms, which financing shall be supplemental to and not in lieu of any funding  
13 that would otherwise be appropriated for this purpose. For the purposes of this section, "nongame  
14 wildlife" includes all unconfined terrestrial and aquatic species which are not ordinarily collected,  
15 captured or killed for sport or profit.  
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22 2. Voluntary checkoff. The following procedure shall be used to contribute to the Maine Endangered  
23 and Nongame Wildlife Fund.  
24

25 A. An individual who is entitled to a refund under this Part may designate that any specified  
26 portion of that refund be paid into the Maine Endangered and Nongame Wildlife Fund. An individual  
27 who is entitled to no refund under this Part may add any specified amount to his tax liability to be paid into the fund.  
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29  
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31

32 B. Each individual income tax return form shall contain a designation in substantially the following form: "Contribution to Maine Endangered  
33 and Nongame Wildlife Fund: ( ) \$1, ( ) \$5, ( ) \$10 or ( ) Other \$\_\_\_\_."  
34  
35  
36

37 3. Contributions credited to Maine Endangered and Nongame Wildlife Fund. The State Tax Assessor shall  
38 determine annually the total amount contributed pursuant to subsection 2 and shall, prior to the begin-  
39  
40

1 ning of the next fiscal year, report that amount to  
2 the Treasurer of State, who shall credit that amount  
3 to the Maine Endangered and Nongame Wildlife Fund,  
4 which is established in the State Treasury. All  
5 money deposited in the fund, and the earnings  
6 thereon, shall remain in the fund to be used for the  
7 management of nongame wildlife, and for necessary  
8 administrative and personnel costs associated there-  
9 with, and shall not be deposited in the General Fund  
10 or any other fund except as specifically provided by  
11 statute.

12 4. Report and allocation. The Commissioner of  
13 Inland Fisheries and Wildlife shall include a report  
14 on the Maine Endangered and Nongame Wildlife Fund as  
15 part of the report submitted to the Governor pursuant  
16 to Title 12, section 7034. The commissioner shall  
17 also submit a budget for each biennium in accordance  
18 with Title 5, sections 1663 to 1666. The State Con-  
19 troller shall authorize expenditures from the fund as  
20 approved by the commissioner.

21 5. Grants. Any person, organization or agency of  
22 the State may apply to the Department of Inland Fish-  
23 eries and Wildlife for a grant to undertake research  
24 and nongame wildlife management activities. The  
25 department may award grants out of the Maine Endan-  
26 gered and Nongame Wildlife Fund.

27 Sec. 3. Effective date. This Act shall take  
28 effect 90 days after adjournment of the Legislature  
29 and shall apply to income tax returns filed on and  
30 after January 1, 1984.

31 STATEMENT OF FACT

32 The Department of Inland Fisheries and Wildlife  
33 is charged by law with the authority and responsibil-  
34 ity for the management of all of the state's wildlife  
35 resources, including nongame species. State funds  
36 for nongame wildlife management have never been  
37 appropriated.

38 This bill permits individuals filing Maine income  
39 tax returns to make contributions to a fund desig-  
40 nated for management of the endangered and nongame

1 wildlife species of the State. The contribution will  
2 decrease the individual's refund or increase his lia-  
3 bility.

4 The Maine Endangered and Nongame Wildlife Fund  
5 will be used by the Department of Inland Fisheries  
6 and Wildlife for management of nongame wildlife in  
7 accordance with the legislative finding of the  
8 Revised Statutes, Title 36, section 5284, subsection  
9 1. It is intended that the term "management of  
10 nongame wildlife" include, without limitation,  
11 enforcement of laws enacted to protect nongame spe-  
12 cies and activities undertaken pursuant to the  
13 Revised Statutes, Title 12, chapter 713, subchapter  
14 V, Endangered Species. Any start-up costs incurred  
15 by the department in anticipation of implementing  
16 this program may be reimbursed from the fund.

17 Twenty states now have nongame checkoffs on their  
18 income tax forms. Experience in these states has  
19 shown that a large number of taxpayers are willing to  
20 donate funds for nongame management.

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