

MAINE STATE LEGISLATURE

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M.S.

L.D. 2386

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INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 936, L.D. 2386, Bill, "An Act to Establish a Deer Hunting Season in the Town of Cranberry Isles"

Amend the bill by striking out the title and substituting the following:

'An Act to Allow Deer Hunting with Local Approval in Certain Areas Previously Permanently Closed to Deer Hunting'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §7035, sub-§3, as amended by PL 1985, c. 408, §2, is further amended to read:

3. Destruction of wildlife. Whenever he--deems the commissioner determines it necessary for the accomplishment of his the commissioner's statutory duties, the commissioner may, ~~in conjunction with such persons as he may designate~~ issue permits authorizing persons to assist him, ~~take and destroy~~ the commissioner in the taking and destruction of any wildlife. Pursuant to section 7013, subsection 7-A, the commissioner shall maintain a coyote control program as follows.

A. The commissioner may employ qualified persons to serve as agents of the department for purposes of coyote control. These agents shall must be trained by the department in animal damage control techniques and shall must be utilized by the department to perform coyote control duties in areas where predation by coyotes is posing a threat to deer or

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2 other wildlife. Each agent shall execute a cooperative
3 agreement with the department specifying the conditions and
4 limitations of his the agent's responsibilities as an agent,
5 including any terms for reimbursement of expenses or payment
6 of wages.

7 B. Agents shall ~~shall~~ must be trained in the use of snares and
8 ~~shall~~ must be deployed in the unorganized townships to
9 control coyotes during the winter months. All snaring shall
10 must be carried out under the direction of department
11 officials and with the knowledge of the local game warden.
12 All areas of snaring activity shall ~~shall~~ must be adequately
13 posted.

14 C. Agents may be utilized for the benefit of agricultural
15 interests provided that the department shall---be is
16 reimbursed annually for the cost of those efforts by the
17 Department of Agriculture, Food and Rural Resources from
18 funds specifically appropriated or otherwise made available
19 to the Department of Agriculture, Food and Rural Resources
20 for that purpose.

21 **Sec. 2. 12 MRSA §7457, sub-§1, ¶D,** as amended by PL 1995, c.
22 455, §30, is further amended to read:

23 D. There Except as provided by rule pursuant to paragraph
24 D-1, there is a continual closed season on deer in the
25 following places:

- 26 (1) Mount Desert Island;
- 27 (2) Cross Island in Washington County;
- 28 (3) Scotch Island in Washington County;
- 29 (4) The Town of Isle au Haut and the islands within
30 the confines of the Town of Isle au Haut in Knox County;
- 31 ~~(5) -- Wildlife sanctuaries that have been established by
32 law, except as provided in section 7653;~~
- 33 (6) All of Swan Island in the Town of Swan's Island in
34 Hancock County;
- 35 (7) The Town of Islesboro in Waldo County, except that
36 a person may hunt deer in that town with bow and arrow
37 from the first day of the special archery season on
38 deer, established in accordance with section 7102-A,
39 subsection 6, paragraph C, to the end of the regular
40 season.

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firearm season on deer of each calendar year in Waldo County;

(8) The whole of Cranberry Isles in Hancock County, except that a person may hunt deer in the Cranberry Isles with a shotgun or archery equipment in accordance with applicable laws and rules; and

(9) The whole of Long Island in Long Island Plantation in Hancock County.

Sec. 3. 12 MRSA §7457, sub-§1, ¶D-1 is enacted to read:

D-1. The commissioner by rule may open any of the areas closed to deer hunting under paragraph D, as long as the legislative body of each affected town approves the opening. For purposes of this paragraph, "affected towns" means any town, township or municipality that contains within its borders any area proposed to be opened under this paragraph. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 4. 12 MRSA §7457, sub-§1, ¶I, as amended by PL 1997, c. 432, §43, is further amended to read:

I. The commissioner, by rule, may create special hunting seasons for the taking of deer in any part of the State to maintain deer populations in balance with available habitat, subject to the following.

(1) The demarcation of each area must follow recognizable physical boundaries, such as rivers, roads and railroad rights-of-way.

(2) The determination of these areas must be made and published prior to August 1st of each year.

(3) The commissioner may implement a permit system and establish fees to regulate hunter participation in a special season and the number, sex and age of deer harvested.

~~(4) Special hunts must take place between the close of the special muzzle-loading season and January 31st.~~

(5) The commissioner may establish limits on the number of deer taken or possessed by persons during any special season. Limits established by the commissioner

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2 under this subparagraph are exceptions to the limits imposed under section 7458, subsections 1 and 2.

4 (6) The commissioner may specify types of weapons to be used during a special season.

6 **Sec. 5. Hunting season for deer in the Cranberry Isles in 2000.**

8 Prior to holding any open season on deer in the Cranberry Isles, the Commissioner of Inland Fisheries and Wildlife shall hold a deprecation hunt for the taking of deer on the whole of the Cranberry Isles under the authority of the Maine Revised Statutes, Title 12, section 7035, subsection 3. Permits for that hunt may only be issued to owners of land on those isles or to their designees.

16 **Sec. 6. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 12, section 7457, subsection 1, paragraph D, subparagraph (8) takes effect July 1, 2001.'

20 Further amend the bill by inserting at the end before the summary the following:

24 **FISCAL NOTE**

26 The Department of Inland Fisheries and Wildlife will incur some minor additional costs to issue certain permits pertaining to the establishment of a deer hunting season for the Cranberry Isles and to adopt certain rules. These costs can be absorbed within the department's existing budgeted resources.

32 The Judicial Department may realize some minor savings from reductions of workload, administrative costs and indigent defense costs associated with the minimal number of cases that will no longer be filed in the court system. Reductions in the collection of fines may decrease General Fund revenue by minor amounts.

38 This bill may reduce prosecutions for Class E crimes. If the number of jail sentences is reduced, the savings to the counties are estimated to be \$83.36 per day per prisoner. The amount of any reduction of jail time and the resulting savings to the county jail system are expected to be insignificant.'

46 **SUMMARY**

48 This amendment replaces the bill and changes the title of the bill. The amendment clarifies that a permit is required from

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2 the Commissioner of Inland Fisheries and Wildlife in order for a
person or persons to assist the commissioner in the taking and
4 destroying of wildlife, repeals the requirement that special
hunts take place between the close of the special muzzle-loading
6 season and January 31st and repeals the statutory prohibition on
deer hunting in wildlife sanctuaries. The amendment also allows
8 the commissioner to provide for an open season on deer in certain
areas previously permanently closed to deer hunting if the
affected towns approve of the opening. The amendment also
10 allows, after July 1, 2001, deer hunting with shotgun or archery
equipment on the Cranberry Isles under all applicable laws and
12 regulations.

14 The amendment also directs the commissioner to hold a
depredation hunt for deer on the Cranberry Isles before holding
any open season on those islands.