

MAINE STATE LEGISLATURE

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L.D. 1929

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REPORT A
INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1432, L.D. 1929, Bill, "An Act to Stabilize the Funding of the Department of Inland Fisheries and Wildlife"

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 §7017, sub-§§9 and 10 are enacted to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the Department of Inland Fisheries and Wildlife. To achieve this goal, beginning with the 2004-2005 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include a General Fund appropriation of 18% of the department's requested biennial budget. General Fund appropriations to the Fiscal Stability Program may not be considered to be amounts appropriated to the department under the Constitution of Maine, Article IX, Section 22.

10. WE CARE support program. The Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment, or "WE CARE," support program is established to encourage voluntary support for the programs and services provided by the Department of Inland Fisheries and Wildlife. The fee for participating in this program is \$19. All money generated pursuant to this subsection must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

Sec. 2. 12 MRSA §7073, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. **Form.** The commissioner shall furnish application blanks, licenses and permits in such form as ~~he~~ the commissioner may designate. The department may charge a fee of up to \$10 to cover administrative costs for the issuance of miscellaneous licenses and permits that do not have a fee provided by law.

Sec. 3. 12 MRSA §7076, sub-§10, as amended by PL 1993, c. 419, §4, is further amended to read:

10. Boys and girls camps. Upon application, the commissioner shall issue to a boys' boys or girls' girls camp a camp fishing license which that will permit any of the boys or girls, under 16 years of age, to fish in the lake or pond adjacent to the main camp. The fee for this permit is \$75.

~~A. The fees for this license are as follows:~~

	1993	1994	1995	1996 and after
Camps with an enrollment of fewer than 50 campers	-\$44	-\$46	-\$47	-\$48
Camps with an enrollment of 50 to 75 campers	-\$69	-\$71	-\$72	-\$73
Camps with an enrollment of more than 75 campers	\$100	\$102	\$103	\$104

B. Persons who fish under a camp fishing license, as provided in this subsection, ~~shall be~~ are subject to chapters 701 to 721.

Sec. 4. 12 MRSA §7109, sub-§2, as enacted by PL 1983, c. 807, Pt. L, §2, is amended to read:

2. Fee. The fee for a migratory waterfowl hunting permit ~~shall be \$2.50~~ is \$5.50, 25¢ of which shall must be retained by the agent.

Sec. 5. 12 MRSA §7110, sub-§3, as amended by PL 1993, c. 419, §11, is repealed and the following enacted in its place:

2 3. Issuance; fee. The commissioner, through the
3 commissioner's authorized agent, shall issue a bear hunting
4 permit to eligible persons. Beginning in 2003, the annual fee
5 for each permit issued is \$25 for residents and \$65 for
6 nonresidents.

7 **Sec. 6. 12 MRSA §7154, sub-§3,** as repealed and replaced by PL
8 1995, c. 455, §12, is repealed and the following enacted in its
9 place:

10 3. Fee. The fee for a bass tournament permit is:

11 C. For weigh-in tournaments, \$50 per day; and

12 D. For catch-and-release tournaments, \$10 per day.

13 **Sec. 7. 12 MRSA §7311, sub-§3,** as amended by PL 1993, c. 419,
14 §21, is further amended to read:

15 **3. Fee.** The fee for a 3-year guide license is \$75--for
16 1993,--\$77 for 1994,--\$78 for 1995 and \$79 for 1996 and every year
17 thereafter.

18 **Sec. 8. 12 MRSA §7457, sub-§1, ¶H,** as amended by PL 1999, c.
19 323, §1 and affected by §3, is further amended to read:

20 H. The commissioner may regulate the taking of antlerless
21 deer within any area of the State, as necessary, to maintain
22 deer populations in balance with available habitat if the
23 following conditions are met.

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

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

29 ~~(3)---The--application--fee--for--a--permit--to--take--an~~
30 ~~antlerless--deer--may--not--exceed--\$1.---The--application~~
31 ~~must--include--a--detachable--portion--on--which--the~~
32 ~~applicant--shall--write--the--applicant's--name--and--address~~
33 ~~and--to--which--the--applicant--shall--affix--a--stamp--of~~
34 ~~adequate--postage.---The--department--shall--return--this~~
35 ~~portion--of--the--application--to--the--applicant--in~~
36 ~~acknowledgement--of--the--department's--receipt--of--the~~
37 ~~application.~~

38 (4) The commissioner may adopt rules necessary for the
39 administration, implementation, enforcement and

2 interpretation of this subsection, except that there
3 may not be an antlerless deer permit system unless
4 otherwise specified in this paragraph. Any rules
5 adopted by the commissioner that provide for permits to
6 be issued to nonresident or alien hunters must provide
7 that:

8 (a) The percentage of antlerless deer permits
9 issued to nonresident and alien hunters may not
10 exceed the average percentage of applicants for
11 antlerless deer permits over the previous 3 years
12 who were nonresidents or aliens; and

13 (b) No more than 15% of the antlerless deer
14 permits issued in any one district or in any one
15 zone may be issued to nonresident and alien
16 hunters.

17 (5) An antlerless deer permit system adopted by the
18 commissioner pursuant to this section may include a
19 provision giving special consideration to landowners
20 who keep their lands open to hunting by the public.
21 Any 2 or more areas of land owned by the same person
22 that are open for hunting and that would be contiguous
23 except for being divided by one or more roads are
24 considered contiguous for the purposes of determining
25 landowner eligibility for special consideration under
26 this subparagraph.
27

28 A junior hunter or a person 65 years of age or older may
29 take an antlerless deer, if ~~an adult~~ a person who holds a
30 valid antlerless deer permit transfers the permit to the
31 junior hunter or person 65 years of age or older by
32 identifying the name, age and address of the transferee on
33 the permit as well as any other information reasonably
34 requested by the commissioner and then returns the permit to
35 the department prior to the start of the firearm season on
36 deer. The commissioner shall record the transfer and return
37 the permit to the junior hunter or person 65 years of age or
38 older. A valid permit must be in the possession of the
39 transferee in order for the transferee to take an antlerless
40 deer. If ~~the adult~~ the person transfers the permit to the
41 junior hunter or person 65 years of age or older, that adult
42 person is prohibited from taking an antlerless deer.
43

44 **Sec. 9. 12 MRSA §7457, sub-§1, ¶I**, as amended by PL 1999, c.
45 636, §4, is further amended to read:
46

47 I. The commissioner, by rule, may create special hunting
48 seasons for the taking of deer in any part of the State to
49
50

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. If permits are issued, the fee for a deer permit other than an antlerless deer permit is \$30 and the fee for an antlerless deer permit is \$10.

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

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

Sec. 10. 12 MRSA §7463-A, sub-§4, as amended by PL 2001, c. 387, §24, is further amended to read:

4. Hunting permits. In accordance with the provisions of subsections 1-A and 2-B, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. ~~A--person--whose--application--is--selected--may purchase--a--moose--hunting--permit--upon--presentation--of--proof--that the--person--possesses+~~

~~A.--A--valid--Maine--hunting--license,--if--the--person--is--a resident--of--the--State,--or~~

~~B.--A--valid--Maine--big--game--hunting--license,--if--the--person--is a--nonresident--or--alien.~~

The fee for a moose hunting permit is \$29 \$50 for residents and \$300 \$475 for nonresidents and aliens. While hunting moose, each resident, nonresident or alien hunter, both permittee and subpermittee, must be in possession of a valid Maine resident,

nonresident or alien big game hunting license, whichever is applicable.

Sec. 11. 12 MRSA §7463-A, sub-§6, ¶B, as enacted by PL 1997, c. 24, Pt. I, §3, is amended to read:

B. For nonresidents:

- (1) Ten dollars for a one-chance application;
- (2) Twenty dollars for a 3-chance application; and
- (3) Thirty dollars for a 6-chance application; and
- (4) Fifty dollars for a 10-chance application.

Sec. 12. 12 MRSA §7468, sub-§4, as amended by PL 2001, c. 6, §1, is further amended to read:

4. Hunting permits. The commissioner may establish the number of wild turkey permits for each wild turkey hunting zone and may issue those permits annually. The percentage of total wild turkey permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for wild turkey permits over the previous 3 years who were nonresidents and aliens and may not be more than 10% of the total wild turkey permits issued statewide. ~~A person whose application is selected may obtain a wild turkey hunting permit upon presentation of proof that the person possesses~~ While hunting turkey, a resident, nonresident or alien hunter must be in possession of a valid resident, nonresident or alien big game hunting license, as applicable.

~~A. A valid Maine hunting license, if the person is a resident of the State, or~~

~~B. A valid Maine big game hunting license, if the person is a nonresident or alien.~~

~~An adult~~ A person who holds a valid wild turkey permit may transfer the permit to a junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then return the permit to the department prior to the start of the turkey season. The commissioner shall record the transfer and return the permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee in order for the transferee to hunt turkey. If the ~~adult~~ person transfers the permit to the junior hunter or person

65 years of age or older, that adult person is prohibited from hunting turkey.

Sec. 13. 12 MRSA §7854, sub-§3, as amended by PL 1985, c. 762, §8, is further amended to read:

3. Fee. The annual registration fee for an ATV is ~~\$12~~ \$17 for a resident and \$35 for a nonresident.

Sec. 14. 12 MRSA §7854, sub-§4, ¶A, as amended by PL 1997, c. 643, Pt. H, §3, is further amended to read:

A. Revenues After administrative costs, revenues received under this subchapter are credited as undedicated revenue to the General Fund except that 49% 50% of those revenues is credited to the ATV Recreational Management Fund of the Department of Conservation. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those administrative costs must be verified by the Department of Conservation and the Department of Administrative and Financial Services.

The department shall use a portion of the revenue dedicated to the ATV Recreational Management Fund for an ATV law enforcement grant-in-aid program to assist law enforcement agencies other than the Bureau of Warden Service.

Sec. 15. 12 MRSA §7854, sub-§7, ¶C, as amended by PL 1989, c. 493, §64, is further amended to read:

C. Whenever there is a change of ownership of an all-terrain vehicle for which a registration has previously been issued, the new owner shall apply for a new registration and shall pay the regular ~~\$12~~ \$17 fee for residents and \$35 for nonresidents.

Sec. 16. 12 MRSA §7854, sub-§7, ¶D, as enacted by PL 2001, c. 294, §12, is amended to read:

D. After March 31st, a person may pay ~~\$15~~ \$21.25 for residents and \$43.75 for nonresidents and receive a registration covering the remainder of the registration period plus one additional year.

Sec. 17. Resolve 2001, c. 1, §1, is amended to read:

Sec. 1. Department shall create system. Resolved: That the Department of Inland Fisheries and Wildlife shall review the

existing license categories and fee structures for recreational licenses issued by that department pursuant to the Maine Revised Statutes, Title 12. The department shall design a system that consolidates and simplifies license categories and fees and shall submit its proposal, along with any necessary implementing legislation, for introduction in the ~~Second~~ First Regular Session of the ~~120th~~ 121st Legislature no later than ~~December 1, 2001~~ January 2, 2003.

Sec. 18. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 7076, subsection 10; section 7109, subsection 2; section 7311, subsection 3; section 7457, subsection 1, paragraphs H and I; section 7463-A, subsection 4 and subsection 6, paragraph B; and section 7854, subsection 7, paragraphs C and D; and that repeal and replace section 7110, subsection 3 and section 7154, subsection 3 take effect January 1, 2003. Those sections of this Act that amend Title 12, section 7854, subsection 3 and subsection 4, paragraph A take effect July 1, 2003.

Sec. 19. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Savings Fund Program

Initiative: Appropriates fees to be used only to avoid future fee increases.

General Fund	2001-02	2002-03
All Other	\$0	\$107,000

Endangered Nongame Operations

Initiative: Allocates funds to reflect increased support from the new WE CARE support program.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$5,000

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF
DEPARTMENT TOTALS**

	2001-02	2002-03
GENERAL FUND	\$0	\$107,000
OTHER SPECIAL REVENUE FUNDS	0	\$5,000

DEPARTMENT TOTAL - ALL FUNDS \$0 \$112,000'

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

FISCAL NOTE

2002-03

APPROPRIATIONS/ALLOCATIONS

General Fund \$107,000
Other Funds 5,000

REVENUES

General Fund \$107,000
Other Funds 5,000

The net impact of changing certain fees charged by the Department of Inland Fisheries and Wildlife will increase General Fund revenue collected by the department by \$107,000 in fiscal year 2002-03 and by \$824,520 for each of fiscal years 2003-04 and 2004-05. In order to meet the constitutional requirement that the total level of General Fund appropriations must at least be equal to the undedicated revenues collected by the department, the department will require an additional General Fund appropriation of \$107,000 in fiscal year 2002-03 to the Savings Fund program within the department to offset these revenue increases.

Requiring that future biennial budgets for the Department of Inland Fisheries and Wildlife submitted by the Governor must include a General Fund appropriation for the Fiscal Stability Program that is equal to 18% of the department's requested biennial budget will result in a proposal for an estimated additional cost to the General Fund of \$4,000,000 per year starting in fiscal year 2003-04. Because this requirement pertains to the contents of future biennial budget proposals that may or may not be accepted by the Legislature, there is no fiscal impact to this budget requirement.

Increasing the fee for migratory waterfowl hunting permits and establishing a fee for the new WE CARE support program will increase dedicated revenue collections. The net effect of the estimated increases of dedicated revenue to the Department of Inland Fisheries and Wildlife is \$5,000 in fiscal year 2002-03

and \$55,500 for each of fiscal years 2003-04 and 2004-05. The department will also require an additional Other Special Revenue allocation that is equivalent to the revenue increase for fiscal year 2002-03.'

SUMMARY

This amendment replaces the bill and does the following:

1. Establishes the Fiscal Stability Program to require the executive branch, beginning with the 2004-2005 biennial budget and for each biennial budget thereafter, to submit a biennial budget that includes a General Fund appropriation of 18% of the Department of Inland Fisheries and Wildlife's requested biennial budget;

2. Establishes the Wildlife Enthusiast's Conservation Appreciation, Recreation and Enjoyment support program to encourage voluntary support for nongame programs and services provided by the department. The fee for participating in this program is \$19;

3. Authorizes the department to charge a fee of up to \$10 to cover administrative costs for the issuance of miscellaneous licenses and permits that do not have a fee provided by law;

4. Removes the fee schedule for boys and girls camp fishing licenses that is based on the number of campers and replaces it with a fee of \$75 for all camps;

5. Increases the permit fee for migratory waterfowl to \$5.50 and a bear hunting permit to \$25 for residents and \$65 for nonresidents;

6. Sets bass tournament fees for weigh-in tournaments at \$50 per day and for catch-and-release at \$10 per day and establishes a 3-year guide license for \$79;

7. Modifies the application process for an antlerless deer permit, increases the fee for the permit from \$1 to \$10 and removes the prohibition against junior hunters transferring an antlerless deer or turkey permit to a qualified person;

8. Removes the requirement that a person must show proof of a valid hunting license or big game license before being issued a moose or turkey permit;

9. Creates a 10-chance application for a moose permit for nonresidents for \$50;

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2 10. Sets the registration fee for all-terrain vehicles at
4 \$17 for residents and \$35 for nonresidents and requires that
6 after administrative costs, 50% of the revenues raised be
8 deposited in the ATV Recreational Management Fund and that the
 department use a portion of the funds for an ATV law enforcement
 grant-in-aid program; and

 11. Adds a fiscal note to the bill.