

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1929

H.P. 1432

House of Representatives, December 20, 2001

**An Act to Stabilize the Funding of the Department of Inland Fisheries
and Wildlife.**

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Received by the Clerk of the House on December 17, 2001. Referred to the Committee on
Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to
Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator CARPENTER of York and
Representatives: BRYANT of Dixfield, COTE of Lewiston, ETNIER of Harpswell, Senator:
DAVIS of Piscataquis.

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

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Sec. 1. 12 MRSA §7017, sub-§1-A is enacted to read:

1-A. Inflation adjustment. Beginning in fiscal year 2003-04, any or all licenses, permits and fees may be adjusted to maintain parity with cost-of-living changes as measured by the United States Consumer Price Index, CPI-U. The adjustment must equal the percentage change in the annual average CPI-U over the 2 most recent calendar years. The adjustment must then be rounded to yield a fee change to the closest 50¢. Each biennium thereafter, fees must be reviewed and adjusted in order to maintain parity with cost-of-living changes.

Sec. 2. 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 ensure that the cost of programs that provide general fish-related and wildlife-related benefits is equitably balanced between General Fund and undedicated General Fund revenues raised by the department. 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 supplied by the Department of Inland Fisheries and Wildlife. The fee for participating in this program is \$30, which must be credited as undedicated revenue to the General Fund.

Sec. 3. 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. 4. 12 MRSA §7076, sub-§1, as amended by PL 2001, c. 351, §1, is further amended to read:

1. **Residents over 70 years of age.** A complimentary license to hunt, trap or fish, including an archery license under section 7102-A or 7102-B, a pheasant hunting permit under section 7106-B, a muzzle-loading hunting license under section 7107-A, a migratory waterfowl permit under section 7109 and a bear hunting permit under section ~~7110~~ 7451, subsection 5 must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of their 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which they attain age 70. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. When the holder of a license issued under this subsection no longer satisfies the residency requirements set out in section 7001, subsection 32, the license is no longer valid and further use of the license for purposes of hunting, fishing or trapping constitutes a license violation under section 7371, subsection 3.

Beginning January 1, 2006, the department may not issue a complimentary license to a resident over 70 years of age. A complimentary license issued to a resident over 70 years of age prior to January 1, 2006 is valid as long as the holder of the license satisfies the residency requirements set out in section 7001, subsection 32.

Sec. 5. 12 MRSA §7076, sub-§10, as amended by PL 1993, c. 419, §4, is further amended to read:

10. Childrens 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				

2	fewer-than-50 campers	-\$44	-\$46	-\$47	-\$48
4	Camps-with-an enrollment-of				
6	50-to-75-campers	-\$69	-\$71	-\$72	-\$73
8	Camps-with-an enrollment-of				
10	more-than-75 campers	\$100	\$102	\$103	\$104

12
14 B. Persons who fish under a camp fishing license, as
provided in this subsection, shall be subject to chapters
701 to 721.

16
18 **Sec. 6. 12 MRSA §7101, sub-§5**, as amended by PL 1999, c. 321,
§5 and c. 467, §1 and affected by §5, is repealed and the
following enacted in its place:

20
22 5. Schedule of fees. The schedule of fees is as follows:

	<u>2002</u>	<u>2003</u> <u>and</u> <u>after</u>
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2	<u>G. Nonresident junior hunting license (10 years of age or older and under 16 years of age)</u>	<u>\$25</u>	<u>\$25</u>
4			
6	<u>H. Nonresident hunting license (Permits hunting of all legal species, except deer, when accompanied by required permits)</u>	<u>\$55</u>	<u>\$65</u>
8			
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12	<u>H-1. Nonresident 3-day small game hunting license, valid for 3 consecutive hunting days (Permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat) (Valid for the 72-hour period specified on the license)</u>	<u>\$30</u>	<u>\$40</u>
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24	<u>I. Nonresident deer hunting license (Permits hunting of all species when accompanied by required permits)</u>	<u>\$85</u>	<u>\$100</u>
26			
28			
30	<u>J. Nonresident combination hunting and fishing license</u>	<u>\$123</u>	<u>\$140</u>
32			
34	<u>K. Alien hunting license (Permits hunting of all species, except deer, when accompanied by required permits)</u>	<u>\$70</u>	<u>\$80</u>
36			
38	<u>L. Alien deer hunting license (Permits hunting of all species)</u>	<u>\$125</u>	<u>\$135</u>
40			
42	<u>M. Alien combination hunting and fishing license</u>	<u>\$176</u>	<u>\$196</u>
44			
46	<u>N. License to use leashed dogs to track wounded deer (Permits a person to use one or more leashed dogs to track a lawfully wounded deer)</u>	<u>\$25</u>	<u>\$25</u>
48			
50			

2 **Sec. 7. 12 MRSA §7102-A, sub-§4**, as repealed and replaced by
PL 1995, c. 455, §7 and affected by §45, is repealed and the
following enacted in its place:

4 **4. Schedule of fees.** The schedule of fees is as follows:

	<u>2002</u>	<u>2003</u> <u>and</u> <u>after</u>
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2 **Sec. 8. 12 MRSA §7107-A, sub-§3**, as amended by PL 1993, c.
574, §12, is repealed and the following enacted in its place:

4 **3. Schedule of fees.** The schedule of fees is as follows:

	<u>2002</u>	<u>2003</u> <u>and</u> <u>after</u>
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2 **Sec. 9. 12 MRSA §7108, sub-§1**, as amended by PL 1995, c. 667,
Pt. A, §22, is further amended to read:

4 **1. Eligibility.** Any person who possesses a valid hunting
license is eligible to obtain ~~a permit from the commissioner to~~
hunt coyotes at night, ~~except that a permit may not be issued to~~
~~any person who has been convicted of a violation of section 7406,~~
subsection 5 within 5 years of the date of application for the
permit.

2 **Sec. 10. 12 MRSA §7108, sub-§2**, as reenacted by PL 1985, c.
819, Pt. B, §5, is repealed.

4 **Sec. 11. 12 MRSA §7109, sub-§2**, as enacted by PL 1983, c. 887,
Pt. L, §2, is amended to read:

6 2. **Fee.** The fee for a migratory waterfowl hunting permit
8 shall-be-\$2.50 is \$5, 25¢ of which shall must be retained by the
agent.

10 **Sec. 12. 12 MRSA §7110**, as amended by PL 1999, c. 220, §4, is
12 repealed.

14 **Sec. 13. 12 MRSA §7151, sub-§5**, as amended by PL 1999, c. 321,
§6, is repealed and the following enacted in its place:

16 5. Schedule of fees. The fees for fishing licenses are as
18 follows:

	<u>2002</u>	<u>2003</u> <u>and</u> <u>after</u>
20 <u>A. Resident fishing license</u>		
22 <u>(16 years of age or older)</u>	<u>\$19</u>	<u>\$28</u>
24 <u>B. Resident combination</u>		
26 <u>hunting and fishing license</u>	<u>\$36</u>	<u>\$45</u>
28 <u>C. Resident combination</u>		
30 <u>archery hunting and fishing</u>		
32 <u>license</u>	<u>\$36</u>	<u>\$45</u>
34 <u>D. Junior nonresident fishing</u>		
36 <u>license (12 years of age or</u>		
38 <u>older and under 16 years of age)</u>	<u>\$7</u>	<u>\$7</u>
40 <u>E. Three-day fishing license</u>		
42 <u>(Resident or nonresident)</u>		
44 <u>(Valid for the 72-hour</u>		
46 <u>period specified on the</u>		
48 <u>license)</u>	<u>\$21</u>	<u>\$28</u>
50 <u>F. Nonresident 7-day fishing</u>		
<u>license (Valid for 7 days from</u>		
<u>date indicated on license)</u>	<u>\$34</u>	<u>\$35</u>
<u>G. Nonresident 15-day fishing</u>		
<u>license (Valid for 15 days</u>		
<u>from date indicated on</u>		

2	<u>license)</u>	<u>\$38</u>	<u>\$48</u>
4	<u>H. Nonresident season fishing license (16 years of age or older)</u>	<u>\$50</u>	<u>\$60</u>
6			
8	<u>I. Alien season fishing license (16 years of age or older)</u>	<u>\$70</u>	<u>\$80</u>
10	<u>J. One-day fishing license (Resident or nonresident)</u>		
12	<u>(Valid for the 24-hour period indicated on</u>		
14	<u>license)</u>	<u>\$9</u>	<u>\$15</u>
16	<u>K. Beginning January 1, 2003, one-day family fishing license (Resident or nonresident)</u>		
18	<u>(Allows up to 4 members</u>		
20	<u>of the same household to fish for all legal species)</u>		<u>\$30</u>

22 **Sec. 14. 12 MRSA §7154, sub-§3**, as repealed and replaced by PL
24 1995, c. 455, §12, is repealed and the following enacted in its
place:

- 26 **3. Fee.** The fee for a bass tournament permit is:
28 C. For weigh-in tournaments, \$50 per day; and
30 D. For catch and release tournaments, \$10 per day.

32 **Sec. 15. 12 MRSA §7161, sub-§1, ¶E**, as enacted by PL 2001, c.
34 351, §3, is amended to read:

36 E. For a resident 70 years of age or older. A person who
38 holds a valid senior lifetime license under this section
upon turning 70 years of age may obtain at no cost a hunting
40 license, fishing license, trapping license, archery license
under section 7102-A or 7102-B, a pheasant hunting permit
42 under section 7106-B, a muzzle-loading hunting license under
section 7107-A, a migratory waterfowl permit under section
7109, a bear hunting permit under section ~~7110~~ 7451,
44 subsection 5 and renew a guide license under section 7311.
A person who is 70 years of age or older may purchase a
46 senior lifetime license that entitles the holder to all the
privileges described in this paragraph for a one-time \$8 fee.

48 **Sec. 16. 12 MRSA §7311, sub-§3**, as amended by PL 1993, c. 419,
50 §21, is further amended to read:

2 3. **Fee.** The fee for a 3-year guide license is \$75--for
1993, --\$77--for--1994, --\$78--for--1995--and--\$79--for--1996--and--every--year
4 thereafter \$240.

6 **Sec. 17. 12 MRSA §7366, sub-§4,** as amended by PL 1997, c. 432,
§38, is further amended to read:

8 4. **Fee.** The fee for an examination is \$100 and is not
refundable. An applicant may retake the examination once without
10 paying an additional examination fee. Beginning--in--1997,--a
whitewater--guide--license--is--a--3--year--license. The fee for a
12 3-year license is \$87 \$80 per year and may be purchased to cover
a one-year, 2-year or 3-year period.

14 **Sec. 18. 12 MRSA §7451, sub-§4,** as amended by PL 1997, c. 463,
16 §1, is further amended to read:

18 4. **Bear tags.** The commissioner shall prescribe the form
and content of a bear tag and shall produce a bear tag that is
20 part of a--big--game--hunting--license--issued--for--calendar--year--1998
and--thereafter the bear hunting permit described in subsection 5.

22 **Sec. 19. 12 MRSA §7451, sub-§5** is enacted to read:

24 5. **Bear hunting permit.** A permit is required to hunt for
26 bear during the open bear hunting seasons described in subsection
1, paragraphs A and C.

28 A. A person who possesses a valid Maine hunting license is
30 eligible to obtain a bear hunting permit from the
commissioner.

32 B. The fee for a bear hunting permit is \$25 for residents
34 and \$100 for nonresidents and aliens.

36 **Sec. 20. 12 MRSA §7457, sub-§1, ¶H,** as amended by PL 1999, c.
38 323, §1 and affected by §3, is further amended to read:

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

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

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

50

2 (3) The nonrefundable application fee for a permit to
3 take an antlerless deer ~~may not exceed \$1~~ is \$5. The
4 ~~application must include a detachable portion on which~~
5 ~~the applicant shall write the applicant's name and~~
6 ~~address and to which the applicant shall affix a stamp~~
7 ~~of adequate postage.~~ The department shall return this
8 ~~portion of the application to the applicant in~~
9 ~~acknowledgement of the department's~~ determine the
10 method of acknowledging receipt of the application.

11 (4) The commissioner may adopt rules necessary for the
12 administration, implementation, enforcement and
13 interpretation of this subsection, except that there
14 may not be an antlerless deer permit system unless
15 otherwise specified in this paragraph. Any rules
16 adopted by the commissioner that provide for permits to
17 be issued to nonresident or alien hunters must provide
18 that:

19 (a) The percentage of antlerless deer permits
20 issued to nonresident and alien hunters may not
21 exceed the average percentage of applicants for
22 antlerless deer permits over the previous 3 years
23 who were nonresidents or aliens; and
24

25 (b) No more than 15% of the antlerless deer
26 permits issued in any one district or in any one
27 zone may be issued to nonresident and alien
28 hunters.
29

30 (5) An antlerless deer permit system adopted by the
31 commissioner pursuant to this section may include a
32 provision giving special consideration to landowners
33 who keep their lands open to hunting by the public.
34 Any 2 or more areas of land owned by the same person
35 that are open for hunting and that would be contiguous
36 except for being divided by one or more roads are
37 considered contiguous for the purposes of determining
38 landowner eligibility for special consideration under
39 this subparagraph.
40

41 A junior hunter or a person 65 years of age or older may
42 take an antlerless deer, if an adult who holds a valid
43 antlerless deer permit transfers the permit to the junior
44 hunter or person 65 years of age or older by identifying the
45 name, age and address of the transferee on the permit as
46 well as any other information reasonably requested by the
47 commissioner and then returns the permit to the department
48 prior to the start of the firearm season on deer. The
49 commissioner shall record the transfer and return the permit
50

2 to the junior hunter or person 65 years of age or older. A
valid permit must be in the possession of the transferee to
4 take an antlerless deer. If the adult transfers the permit
to the junior hunter or person 65 years of age or older,
6 that adult is prohibited from taking an antlerless deer.

8 **Sec. 21. 12 MRSA §7463-A, sub-§4**, as amended by PL 2001, c.
387, §24, is further amended to read:

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

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

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

26 The fee for a moose hunting permit is \$29 ~~\$100~~ for residents and
~~\$300~~ ~~\$500~~ for nonresidents and aliens. While hunting moose, each
28 nonresident or alien hunter, both permittee and subpermittee,
must be in possession of a valid Maine nonresident or alien big
30 game hunting license, whichever is applicable.

32 **Sec. 22. 12 MRSA §7468, sub-§4**, as amended by PL 2001, c. 6,
§1, is further amended to read:

34 **4. Hunting permits.** The commissioner may establish the
36 number of wild turkey permits for each wild turkey hunting zone
and may issue those permits annually. The percentage of total
38 wild turkey permits issued to nonresident and alien hunters may
not exceed the average percentage of applicants for wild turkey
40 permits over the previous 3 years who were nonresidents and
aliens and may not be more than 10% of the total wild turkey
42 permits issued statewide. The fee for each permit issued to
44 residents is \$10 in 2003 and every year thereafter and the fee
for each permit issued to nonresidents is \$40 in 2003 and every
46 year thereafter. A person whose application is selected may
obtain a wild turkey hunting permit upon presentation of proof
48 that the person possesses a valid Maine hunting license.

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

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

4
5 An adult who holds a valid wild turkey permit may transfer the
6 permit to a junior hunter or person 65 years of age or older by
7 identifying the name, age and address of the transferee on the
8 permit as well as any other information reasonably requested by
9 the commissioner and then return the permit to the department
10 prior to the start of the turkey season. The commissioner shall
11 record the transfer and return the permit to the junior hunter or
12 person 65 years of age or older. A valid permit must be in the
13 possession of the transferee to hunt turkey. If the adult
14 transfers the permit to the junior hunter or person 65 years of
15 age or older, that adult is prohibited from hunting turkey.

16 **Sec. 23. 12 MRSA §7794, sub-§4, ¶A**, as amended by PL 1997, c.
17 24, Pt. I, §5, is further amended to read:

18 A. All watercraft requiring or requesting certificate of
19 number and equipped with a motor having a manufacturer's
20 horsepower rating of:

- 21 (1) Ten horsepower or less~~\$6~~ \$8;
- 22 (2) Greater than 10, but not more than 50
23 horsepower.....~~\$10~~ \$12; and
- 24 (3) Greater than 50 horsepower~~\$15~~ \$17.

25 **Sec. 24. 12 MRSA §7794, sub-§4, ¶A-1**, as enacted by PL 1997, c.
26 24, Pt. I, §6, is amended to read:

27 A-1. All personal watercraft requiring or requesting a
28 certificate of number.....~~\$20~~ \$22.

29 **Sec. 25. 12 MRSA §7794, sub-§4, ¶E**, as enacted by PL 2001, c.
30 294, §7, is amended to read:

31 E. Registration issued for an expanded registration period
32 authorized in subsection 8, paragraph A:

- 33 (1) Ten horsepower or less.....~~\$7.50~~ \$10
- 34 (2) Greater than 10, but
35 not more than 50 horsepower.....~~\$12.50~~ \$15
- 36 (3) Greater than 50 horsepower.....~~\$18.75~~ \$21.25
- 37 (4) Personal watercraft.....~~\$25.00~~ \$27.50

