

MAINE STATE LEGISLATURE

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SMZ
R. O.S.

Majority

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Date: 6/9/11

L.D. 291
(Filing No. H-598)

Majority

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 235, L.D. 291, Bill, "An Act Regarding Eligibility for the Moose Lottery"

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

'An Act Regarding the Moose Lottery and Moose Management'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 12 MRSA §10206, sub-§9, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §50 and affected by §422, is repealed.

Sec. 2. 12 MRSA §10263 is enacted to read:

§10263. Moose Research and Management Fund

The Moose Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the research and the management of moose. One hundred dollars from each nonresident or alien moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to \$25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

Sec. 3. 12 MRSA §11109-A, sub-§1, as enacted by PL 2005, c. 477, §4, is amended to read:

1. Moose lottery chances. A super pack license includes, upon application, 6 chances one chance in the moose lottery under section 11154, subsection 6.

Sec. 4. 12 MRSA §11154, sub-§3, as amended by PL 2009, c. 213, Pt. OO, §7, is further amended to read:

COMMITTEE AMENDMENT

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3. Moose hunting permit fee. The fee for a moose hunting permit is \$52 for a resident and ~~\$484~~ \$585 for a nonresident or alien.

Sec. 5. 12 MRSA §11154, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Eligibility. Except as provided in this subsection, a resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. A Beginning in 2011, a person who has obtained a moose hunting permit is ineligible to obtain another permit until ~~2~~ 3 years have elapsed after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7.

Sec. 6. 12 MRSA §11154, sub-§6, as amended by PL 2009, c. 186, §4, is further amended to read:

6. Application procedure. An eligible person wishing to apply for a permit must file a written application for a permit on a form furnished by the commissioner. The application fee is nonrefundable. A person may file no more than one application. A person who submits more than one application is disqualified from the selection of permittees. The application must be accompanied by an application fee of:

A. For a resident:

- (1) ~~Seven~~ Fifteen dollars for a one-chance application; or
- ~~(2) Twelve dollars for a 3-chance application. A resident must possess a valid big game hunting license to be eligible to purchase a 3-chance application; and~~
- ~~(3) Twenty-two dollars for a 6-chance application. A resident must possess a valid big game hunting license to be eligible to purchase a 6-chance application;~~
or

B. For a nonresident:

- (1) Fifteen dollars for a one-chance application;
- (2) Twenty-five dollars for a 3-chance application;
- (3) Thirty-five dollars for a 6-chance application; and
- (4) Fifty-five dollars for a 10-chance application; multiple 10-chance options may be purchased.

A clerk or agent appointed by the commissioner under section 10801 may process an application under this subsection. The clerk or agent shall charge a fee of \$2 for each application under this subsection processed by that clerk or agent.

The commissioner shall allow an applicant to indicate that that applicant does not want to receive a moose permit pursuant to the application but wishes to receive the corresponding points under subsection 8 for that application.

Sec. 7. 12 MRSA §11154, sub-§7, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1 **7. Subpermittees.** An applicant for a moose permit may indicate on the application
2 filed pursuant to subsection 6 the name of a subpermittee-designate and the name of an
3 alternate subpermittee-designate. If the applicant is issued a moose permit under
4 subsection 9 and upon application to the commissioner, the permittee may change that
5 person's subpermittee-designate or alternate subpermittee-designate until 30 days prior to
6 the start of the moose hunting season for which the permit was issued. Thirty days prior
7 to the start of the applicable moose hunting season, the subpermittee-designate becomes a
8 subpermittee and the permittee may authorize the subpermittee to participate in the
9 moose hunt with the permittee. The permittee may authorize the alternate
10 subpermittee-designate to participate in the hunt in place of the subpermittee-designate if
11 the permittee notifies the department of the authorization at least 5 business days prior to
12 the first day of the moose season, in which case the alternate subpermittee-designate
13 becomes the subpermittee. The permittee may choose not to authorize a subpermittee to
14 participate in the hunt.

15 A. A person may not sell a subpermittee or an alternate subpermittee designation.

16 B. A person who violates paragraph A commits a Class E crime.

17 **Sec. 8. 12 MRSA §11154, sub-§8,** as enacted by PL 2003, c. 414, Pt. A, §2 and
18 affected by c. 614, §9, is repealed and the following enacted in its place:

19 **8. Point system for public chance drawing.** A person accumulates points as
20 follows for each consecutive year that person purchases an application for a moose
21 hunting permit but is not selected to receive a permit:

22 A. One point each year for the first 5 years;

23 B. Two points each year for years 6 to 10;

24 C. Three points each year for years 11 to 15; and

25 D. Ten points each year after the 15th year.

26 Each point entitles an applicant to one chance in the public chance drawing. A person's
27 accumulated points are eliminated and that person begins to accumulate points anew if in
28 any year that person is selected to receive a moose hunting permit or if that person fails to
29 purchase a new chance in any 2 consecutive years.

30 A person who is ineligible to receive a moose hunting permit as provided in subsection 5
31 may continue to purchase points for each year that person is ineligible to receive a moose
32 hunting permit for the corresponding application fee under subsection 6.

33 **Sec. 9. 12 MRSA §11154, sub-§11, ¶B,** as enacted by PL 2003, c. 414, Pt. A, §2
34 and affected by c. 614, §9, is amended to read:

35 B. A person who applies for a moose hunting permit under this subsection is subject
36 to the eligibility provisions of subsection 5, except that a successful applicant is not
37 required to wait 2 3 years in order to obtain another permit.

38 **Sec. 10. Appropriations and allocations.** The following appropriations and
39 allocations are made.

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

R. of S.

1 **Resource Management Services - Inland Fisheries and Wildlife 0534**
2 Initiative: Establishes the Moose Research and Management Fund.

3	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
4	All Other	\$18,750	\$25,000
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$18,750</u>	<u>\$25,000</u>
7			

8 **SUMMARY**

9 This amendment is the majority report and replaces the bill. It does the following:

10 1. It limits the number of chances a resident may purchase for the moose hunting
11 permit lottery to one and reduces the number of moose hunting permit lottery chances
12 contained in a super pack license from 6 to one;

13 2. It modifies the point system for the moose hunting permit lottery to improve a
14 person's chances in the lottery the longer that person has stayed in the lottery and has not
15 received a moose hunting permit;

16 3. As does the bill, it changes the amount of time a moose hunting permit holder
17 must wait to be eligible for another moose hunting permit from 2 years to 3 years;

18 4. It provides that a person that is ineligible to obtain a moose hunting permit because
19 that person has received a permit within the last 2 years may continue to buy additional
20 chances for the moose hunting permit lottery over that period of ineligibility for the
21 corresponding application fee;

22 5. It allows a person to indicate on the moose hunting permit application that that
23 person does not want to receive a moose permit for that year but wants to continue to
24 accrue chances in the moose hunting permit lottery;

25 6. It establishes the Moose Research and Management Fund and moves a provision of
26 existing law regarding funding for moose research to the section of law that establishes
27 the fund;

28 7. It increases the moose hunting permit fee for nonresidents and aliens from \$484 to
29 \$585 and directs that \$100 from each of these permits be deposited in the Moose
30 Research and Management Fund;

31 8. It allows an applicant for a moose hunting permit to change that person's
32 subpermittee or alternate subpermittee after the applicant has received a moose hunting
33 permit. Current law requires an applicant for a moose hunting permit to designate that
34 person's subpermittee and alternate subpermittee at the time of the application;

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COMMITTEE AMENDMENT "A" to H.P. 235, L.D. 291

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9. It prohibits the sale of the moose hunting permit subpermittee or alternate subpermittee designation and makes a violation of that prohibition a Class E crime; and

10. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



125th MAINE LEGISLATURE

LD 291

LR 1141(02)

An Act Regarding Eligibility for the Moose Lottery

Fiscal Note for Bill as Amended by Committee Amendment "A"
 Committee: Inland Fisheries and Wildlife
 Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	(\$11,250)	(\$15,000)	(\$15,000)	(\$15,000)
Appropriations/Allocations				
Other Special Revenue Funds	\$18,750	\$25,000	\$25,000	\$25,000
Revenue				
General Fund	\$11,250	\$15,000	\$15,000	\$15,000
Other Special Revenue Funds	\$18,750	\$25,000	\$25,000	\$25,000

Correctional and Judicial Impact Statements

Establishes new Class E crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

This legislation creates the Moose Research and Management Fund within the Department of Inland Fisheries and Wildlife and deposits up to \$25,000 from moose hunting application and permit fees into the fund. The bill also increases non-resident moose hunting permit fees by \$100. Assuming 400 non-resident permits, General Fund revenues would increase by \$11,250 in fiscal year 2011-12 and \$15,000 beginning in fiscal year 2012-13 and Other Special Revenue Funds revenue would increase by \$18,750 in fiscal year 2011-12 and \$25,000 beginning in fiscal year 2012-13.

This legislation eliminates the 3-chance and 6-chance moose application option for residents, allows people to accumulate points during years the person applies and does not receive a permit, allows people to use these points for additional chances in the moose permit lottery and allows people who are ineligible for a permit to continue purchasing applications in order to accumulate points for future lotteries. The Department of Inland Fisheries and Wildlife indicates there should be no net effect on General Fund revenue as a result of these provisions.