

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1242

H.P. 933

House of Representatives, March 22, 2011

An Act To Restore the Deer Herd in Certain Wildlife Management Districts in Maine

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BURNS of Whiting.
Cosponsored by Senator TRAHAN of Lincoln and
Representatives: AYOTTE of Caswell, CLARK of Millinocket, DAVIS of Sangerville, FITTS
of Pittsfield, HARMON of Palermo, Senator: THOMAS of Somerset.

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

2 **Sec. 1. 12 MRSA §10158** is enacted to read:

3 **§10158. Deer management advisory committee**

4 **1. Establishment.** The commissioner shall establish a deer management advisory
5 committee, referred to in this section as "the advisory committee."

6 **2. Membership.** Membership of the advisory committee consists of the chair of the
7 Inland Fisheries and Wildlife Advisory Council established by Title 5, section 12004-G,
8 subsection 20 and the chief executive officer of, or another person from, each of the
9 following organizations, appointed by the commissioner:

10 A. A statewide organization representing guides;

11 B. A statewide trapping organization;

12 C. A statewide organization representing professional foresters;

13 D. A statewide sportsman group;

14 E. An organization established to provide public visibility to issues relating to the
15 outdoors;

16 F. An organization headquartered outside the State that is dedicated to ensuring a
17 high-quality and sustainable future for white-tailed deer and white-tailed deer
18 hunting;

19 G. An organization established to preserve, protect and enhance the deer population
20 in Aroostook County;

21 H. A conservation organization focusing on deer conservation in Washington
22 County;

23 I. A conservation organization established to promote and preserve Penobscot
24 County's sporting heritage; and

25 J. A national organization established for the conservation of wild turkey.

26 The commissioner shall appoint a chair and cochair from the membership of the advisory
27 committee. The purpose of the advisory committee is to inform the commissioner about
28 how to aggressively manage the deer resource to enhance the deer population in the State.

29 The commissioner shall meet with the advisory committee at least once a year at the call
30 of the chairs of the advisory committee but may meet more often as the commissioner
31 determines necessary. The commissioner may, within existing budgeted resources,
32 reimburse advisory committee members for mileage or other expenses related to
33 attending meetings of the advisory committee.

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

1 **§10263. Maine Deer Management Fund**

2 The Maine Deer Management Fund, referred to in this section as "the fund," is
3 established within the department as a nonlapsing fund to be used by the commissioner to
4 fund or assist in funding the management of the deer herd in wildlife management
5 districts established by the commissioner by rule, including Aroostook, Somerset,
6 Piscataquis, Penobscot, Hancock, Franklin and Washington counties. Within the wildlife
7 management districts identified pursuant to this section, the funds must be used to reduce
8 predation on deer, protect and increase deer wintering areas and improve deer habitat.
9 Funds may be used to cover costs incurred by the State in obtaining an incidental take
10 permit from the Federal Government for the Canadian lynx and efforts to have the
11 Canadian lynx delisted from the United States Endangered Species Act of 1973. Revenue
12 from the deer stamp under section 11109-B, the deer management registration plates
13 under Title 29-A, section 456-H and the Maine deer management voluntary checkoff
14 under Title 36, section 5291 must be deposited in the fund. The commissioner may accept
15 and deposit into the fund monetary gifts, donations or other contributions from public or
16 private sources for the purposes specified in this section. The fund must be held separate
17 and apart from all other money, funds and accounts.

18 **Sec. 3. 12 MRSA §11109-B** is enacted to read:

19 **§11109-B. Deer stamp**

20 **1. Deer stamp.** A person may not hunt for deer without a deer stamp issued
21 pursuant to this section. Funds received by the department under subsection 2 must be
22 deposited in the Maine Deer Management Fund established in section 10263.

23 **2. Fee.** The fee for a deer stamp is \$10.

24 **3. Exceptions.** The requirements of this section do not apply to:

25 A. A person hunting without a license on that person's land as authorized under
26 section 11108;

27 B. A person who holds a valid junior hunting license under section 11108-A;

28 C. A person who holds a valid apprenticeship hunter license under section 11108-B;
29 or

30 D. A person who holds a valid license under chapter 913, subchapter 3.

31 **4. Penalties.** The following penalties apply to violations of this section.

32 A. A person who violates this section commits a civil violation for which a fine of
33 not less than \$100 nor more than \$500 may be adjudged.

34 B. A person who violates this section after having been adjudicated as having
35 committed 3 or more civil violations under this Part within the previous 5-year period
36 commits a Class E crime.

37 **Sec. 4. 29-A MRSA §456-H** is enacted to read:

1 **§456-H. Deer management registration plate**

2 **1. Deer management plates.** The Secretary of State, upon receiving an application
3 and evidence of payment of the registration fee required by section 501 and the excise tax
4 required by Title 36, section 1482, shall issue a registration certificate and a set of deer
5 management registration plates to be used in lieu of regular registration plates. These
6 plates must bear identification numbers and letters. Vanity plates may not duplicate
7 vanity plates issued in another class of plate. The Secretary of State shall begin issuing
8 deer management registration plates by April 1, 2012.

9 **2. Initial registration fee.** In addition to the regular motor vehicle registration fee
10 prescribed by law, the initial contribution for the deer management registration plate is
11 \$20, which must be deposited with the Treasurer of State and credited to the Maine Deer
12 Management Fund established under Title 12, section 10263.

13 **3. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed
14 by law, the annual renewal contribution for deer management registration plates is \$20,
15 which must be deposited with the Treasurer of State and credited to the Maine Deer
16 Management Fund established under Title 12, section 10263.

17 **4. Issuance.** The Secretary of State shall issue a deer management registration plate
18 in a number or letter sequence or a combination of a number and letter sequence.

19 **5. Design and approval.** Notwithstanding section 468, subsection 5, the
20 Commissioner of Inland Fisheries and Wildlife shall submit a new proposed design for
21 the deer management registration plate every 6 years for approval or modification by the
22 Secretary of State.

23 **6. Payment for costs associated with the production and issuance of the first**
24 **2,000 plates.** The sponsor of the deer management registration plate shall provide
25 \$40,000 to the Secretary of State for costs associated with the production and issuance of
26 the plates. The Secretary of State shall deposit these funds in the Specialty License Plate
27 Fund, established under section 469. The Secretary of State shall provide 2,000 credit
28 receipts to the sponsor to provide to each supporter that contributed \$20. A credit receipt
29 may be used only to obtain one set of deer management special registration plates.

30 **7. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the
31 revenue from the issuance and renewal of the deer management registration plates to the
32 Treasurer of State for deposit and crediting pursuant to subsections 2 and 3.

33 **Sec. 5. 36 MRSA §5291** is enacted to read:

34 **§5291. Maine deer management voluntary checkoff**

35 **1. Maine Deer Management Fund.** When filing a return, a taxpayer entitled to a
36 refund under this Part may designate that a portion of that refund be paid into the Maine
37 Deer Management Fund established in Title 12, section 10263. A taxpayer who is not
38 entitled to a refund under this Part may contribute to the Maine Deer Management Fund
39 by including with that taxpayer's return sufficient funds to make the contribution. Each
40 individual income tax return form must contain a designation in substantially the

1 following form: "Contribution to Maine Deer Management Fund: () \$5, () \$10, () \$25
2 or () Other \$... ."

3 **2. Contributions credited to Maine Deer Management Fund.** The State Tax
4 Assessor shall determine annually the total amount contributed pursuant to subsection 1.
5 Prior to the beginning of the next year, the assessor shall deduct the cost of administering
6 the deer management checkoff, but not exceeding \$5,000 annually, and report the
7 remainder to the Treasurer of State, who shall credit that amount to the Maine Deer
8 Management Fund, which is established in Title 12, section 10263.

9 **SUMMARY**

10 This bill does the following:

11 1. It establishes a deer management advisory committee to inform the Commissioner
12 of Inland Fisheries and Wildlife about how to more aggressively manage the State's deer
13 population;

14 2. It establishes the Maine Deer Management Fund for the purpose of funding deer
15 management efforts in the State;

16 3. It creates a \$10 deer stamp and prohibits a person from hunting deer in the State
17 without a deer stamp;

18 4. It creates a deer management license plate and directs \$20 from each deer
19 management license plate to be deposited into the Maine Deer Management Fund;

20 5. It creates a Maine deer management voluntary checkoff so that taxpayers can
21 voluntarily support deer management efforts; and

22 6. It requires revenue received from the deer stamp and the deer management
23 checkoff to be deposited in the Maine Deer Management Fund.