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JOINT STANDING COMMITTEE
ON FISHERIES AND WILDLIFE
STUDY OF NON-GAME
FISH AND WILDLIFE ACTIVITIES
OF THE DEPARTMENT OF
INLAND FISHERIES & WILDLIFE

MARCH 1985

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON FISHERIES AND WILDLIFE

March 13, 1985

To: Representative John N. Diamond
Chairman, Legislative Council

From: Senator Zachary Matthews & Representative Paul Jacques

Re: Fisheries and Wildlife Study

This will submit the study order report of the subcommittee which was formed by the Joint Standing Committee on Fisheries and Wildlife to study the nonfish and nongame-related duties performed by the Department of Inland Fisheries and Wildlife. This subcommittee was formed in accordance with the authorization of your Council dated May 7, 1984.

1456

Handwritten signatures of Zachary Matthews and Paul Jacques.

NON-GAME FISH AND WILDLIFE ACTIVITIES
OF THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

I. INTRODUCTION

During the Second Regular Session of the 111th Legislature the Joint Standing Committee on Inland Fisheries and Wildlife continued its efforts to identify and evaluate alternate and additional methods of providing funds for the Department of Inland Fisheries and Wildlife. Many alternatives were considered.

As one result of its investigations, the Committee became concerned with the possibility that a substantial part of the Department's activities were not related directly to hunting and fishing and, yet, were being funded only by that segment of the population who hunt and fish. The Department has traditionally been funded almost totally through fees derived from hunting and fishing from both state and federal sources.

Two recent actions have sought to make some remedy to this situation. First, the 111th Legislature made an appropriation from the General Fund to cover the cost of search and rescue due the Department and to provide that total cost of search and rescue would be reimbursed out of the General Fund in the future. Second, in the funding package enacted in 1984 for the Department the Legislature, through the efforts of the Committee, authorized the expenditure of up to \$150,000 from Maine tax checkoff funds for protection of Maine endangered species such as the Loon, Bald Eagle, and Peregrine Falcon, and for non-game wildlife.

The Committee, at the same time these activities were agreed to, recognized a need for more detailed information concerning these kinds of activities and the role they play in the Department's mission. The study herein reported was initiated to identify these activities, to establish a method of determining their cost to the Department and to recommend a method of funding them which more adequately reflects the diverse nature of their participants.

The subcommittee has held several data-gathering meetings and deliberative sessions. It has received valuable assistance from the personnel of the Department of Inland Fisheries and Wildlife and from other interested persons including Malcolm Coulter (wildlife specialist), David Allen (Sportsman's Alliance of Maine), Gordon Robertson (Wildlife Management Institute) and Jerry Bley (Natural Resources Council).

II. BACKGROUND

1. The Role of the Department of Inland Fisheries and Wildlife

This section will contain a description of the purpose and programs of the Department from an historical perspective, focusing on how it has evolved over the years.

a. Maine has had laws protecting its fish and game since its establishment as a state. In 1830, when the legislature established a season on moose and deer, two wardens were appointed by the Governor to enforce that law. That same year numerous laws were passed to protect certain species of fish either to ensure their preservation, to regulate their taking, or to prevent their destruction. Two Commissioners of Fisheries were appointed in 1867 to enforce the fish laws. The Department of Inland Fisheries and Wildlife is generally thought to have its origin in 1880 when the duties of the Commissioners of Fisheries were enlarged to include enforcement of the game laws.

b. In 1895 the Commissioners of Fisheries were renamed the Commissioners of Inland Fisheries and Game. In 1917 the two Commissioners were replaced by one Commissioner.

c. The game and fish laws have always dealt with activities which were not directly related to hunting and fishing. Historic examples include the enforcement of laws concerning the assaults on, and biting of, people by dogs and the protection of non-game birds such as sparrows and larks. Indeed, historically, it has proved difficult to separate management of wildlife into two categories of game management and non-game management since the same program which protected deer for hunting also helped to ensure that there were deer to observe for those who did their hunting with binoculars or a camera. Accepting this point, it is still apparent, however, that although the mission of the Department has always included the protection of certain non-game species, in the past its main function was to provide management services for species of fish and wildlife that were fished and hunted and to enforce the laws concerning hunting and fishing activities.

d. What the committee sensed and this subcommittee verified is nothing more than the continuing shift in the focus of the Department which has been going on over the years from that of a state agency concerned largely with enforcement of laws dealing with hunting and fishing to a department with considerable additional responsibilities for the preservation, protection, and enhancement of all the inland fisheries and wildlife resources of the state. The magnitude of this shift will be a key focus of the current report.

2. Departmental Funding

This section contains a description of the funding of the Department from an historical perspective.

a. Prior to establishment of the Department the commissioners and wardens were funded with state appropriations and any revenues derived from fines were distributed locally and to the state.

b. In 1895, when the Commissioners of Fisheries was renamed the Commissioners of Inland Fisheries and Game, the Legislature appropriated \$25,000 for the enforcement of the fish and game laws under the jurisdiction of the Commissioners.

c. In 1929 the linkages between all the moneys collected by the Department, including by this time license fees, were established. Any money collected in excess of \$100,000 was transferred to the Department for its operating expenses.

d. As the role of the Department expanded it became eligible for federally-enacted programs that appropriated money to states on a matching basis for fish and wildlife activities from taxes on fishing and hunting related purchases. The first of these was Pittman-Robertson in 1937 which taxes firearms and ammunition. The second was Dingell-Johnson which taxes fishing equipment. It was passed in the early 70's.

e. By 1944, all of the money collected by the Department was returned to the Department without any exceptions.

f. Between 1971 and 1975 the Legislature took several steps which greatly broadened the Department's functions.

1. It was made mandatory that the Department manage non-game wildlife.

2. Laws pertaining to endangered species and non-game wildlife were created.

3. The name of the Department was changed from Fisheries and Game to Fisheries and Wildlife.

These actions firmly established it as state policy that the Department protect, maintain and enhance all fish and wildlife species found in the state, as well as the ecosystems upon which they depend.

g. Currently, the Department is totally funded by:

- (1). license revenues and registration fees,
- (2). fines
- (3). federal money (P.R., D.J. and boating safety funds)
- (4). tax checkoff.

III. Findings

A. The non-game fish and wildlife activities of the Department

The subcommittee found that the activities of the Department are changing and, particularly, are increasing. However, as found in the examination of historical data, it continues to be difficult to put an accurate financial measure on these changes. Efforts in that direction did not turn up very significant dollar amounts. The last data available covers the federal fiscal year ending September 30, 1983. They show a non-fish and game activity expenditure of some \$370,000. For the previous year it was approximately \$550,000. (Updated data will be available in about a month.) A breakdown of these activities is in Appendix I.

B. Department Mission, Philosophy, and Funding

While the subcommittee did not find non-game fish and wildlife expenditure to be of a major magnitude, the members did become considerably more aware of the nature of the Department's operations, contributions & problems. The subcommittee feels it important to share its findings in this area both because they impact the subcommittees assignment and for their importance in their own right.

1. Resource Use

a. Increasing public concern over environmental quality and the resulting enactment of significant environmental legislation by Congress and state legislatures have increased and, in some degree, changed the nature of the duties of the Department.

b. The demand by all types of users on the state's fish and wildlife resources is increasing. The pressures on the resources are being reflected in the need for more localized regulations which in turn require closer monitoring and enforcement.

c. There has been a relatively greater increase in the demand of non-consumptive users. It has been stated that in some years facilities paid for by hunting and fishing license fees receive more annual use by other types of recreationists.

2. Funding

As the responsibilities of the Department have broadened, the sources of funding have grown more narrow, more limited, and more inflexible. The Department has gone from total state funding to a funding which is largely from one segment of the population, the hunting and fishing public. Similarly, the Department's revenues have gone from a flexible type revenue to a fixed revenue source which does not automatically adjust for inflation. The result is that what was once adequate funding is now insufficient to support the programs. In sum, responsibility has broadened and costs have increased while at the same time funding sources have narrowed, have not kept pace with the needs of the Department and are not commensurate with the value of the resource.

A number of states facing similar situations have responded by supplementing the funds available from license fees and federal aid, i.e., money from taxes on sporting equipment. Thirty-six states issue general obligation bonds either for capital improvements or for land acquisition. Forty state fish and wildlife agencies receive at least a portion of their funding from their state's general fund. One state, Connecticut, receives all its support from this source.

3. Importance to State

It is important to recognize that annual expenditures of sportsmen on hunting and fishing in Maine are in the neighborhood of \$140 million annually (1982 data). This is a significant contribution to the State's economy and compares very favorably with the money paid to commercial fishermen, potato farmers, blueberry growers and other natural resource activities. (See Appendix II)

The fish and wildlife expenditures may be considered especially important because of the following:

- a. The substantial impact of out-of-state money.
- b. That much of it occurs in areas that have a limited economic base - places where industry and agriculture are not found. viz. Jackman, Rangeley, Rockwood, Greenville, Ashland, Danforth, Cherryfield, etc.
- c. That it is produced from a renewable crop (game & fish) that requires little to grow. No fertilizer, pesticides, cultivation, etc.

Maine's investment in this \$140 million industry is less than \$4 million and that comes from a narrow sector (resident hunting & fishing licenses). The rest comes from out-of-state licenses and federal aid.

It seems reasonable that because of the broad benefits to all parts of state and all sectors of its economy, there is considerable logic to the case for broader support, from whatever source - general fund, special tax, bonds, et al.

4. Attitude of Citizens

The people of the state have shown their willingness to support the resource that non-game fish and wildlife represent as evidenced by support of the tax return checkoff in its first year. Below it is compared with the political checkoff contributions.

| | <u>Contributors</u> | <u>Amount of contribution</u> |
|---------------------|---------------------|-------------------------------|
| Political | 8,207 | \$11,340 |
| Wildlife (non-game) | 24,462 | \$110,000 |

Based on figures from other states, it can be estimated that at least 25% of contributors are sportsmen, thus showing that this group also supports the non-game activities of the Department.

IV. CONCLUSION.

A. The real problem is not the assignment of a cost for non-hunting and fishing activities but a need to recognize that the Department has one function--the management and protection of a resource which serves many users in the state. Hunters and fishermen are only one type of user. Other users include: sightseers, photographers, campers, homeowners, builders, etc. Thus, the committee is not making a separate recommendation for funding the non-game activities of the Department because it sees the non-game funding aspect so interrelated with the total funding as to make recommendations regarding it alone as largely meaningless.

B. The solution lies in a total Department funding program and in basing this program on recognizing that the department serves many but is funded by a few and that it should be funded by the many not just the few. That is to say, the subcommittee recommends the continuation of the dedication of revenues for philosophical and practical reasons, such as continuing the eligibility for federal funds and guaranteeing revenues. But, additionally, it recommends the provision of some form of general fund revenues or other alternative sources of funding in recognition of the fact that the Department serves the entire state and its population either directly through its programs or indirectly by the revenues its programs generate.

As is well known, funding the Department is a very complex problem. Because it was felt to go beyond the subcommittee's charge and beyond the time allotted for the study, the subcommittee did not come to conclusions as to specific alternative funding sources or a comparison of alternative sources with the General Fund.

V. RECOMMENDATION

A. It is recommended that the full committee appoint a subcommittee to meet during the first regular session of the 112th legislature to determine the best method of funding the total needs of the Department of Inland Fisheries and Wildlife with major consideration being given to the overall role it plays in the state and to develop appropriate legislation to add to the Department's funding sources.

The subcommittee's charge would include the following:

1. An objective listing of the advantages and disadvantages of using the General Fund to supplement the dedicated revenues, of dedicating other revenues, of general obligation bonds, of Heritage Trust moneys and of such other major alternatives as may be dealt with in the time allotted for this study.

2. A search for financial methods to better deal with the cash flow problem created by the fluctuating nature of the Department's revenue.

3. An analysis of specific sources of alternative funding which would be directed into the Department's dedicated fund. This would involve both sources currently identified plus others that might develop. It would involve a consideration of the political climate, such financial data as necessary for the evaluation and financial data on any sources recommended. The sources analyzed should include a general sales tax, a tax on items relative to fish and wildlife activities and a tax based on usage of the state's forest resource. These are the alternative sources that the subcommittee has identified as most feasible. Several other interesting sources were identified but analysis of them would appear to fall beyond the time available to prepare the recommended report. Among these are the ideas of sharing warden costs with other departments, of creating a natural resources department, and having lifetime licenses.

It is felt desirable to have several funding proposals ready for the Legislature in the event that the preferred one is not adopted. The goal of the subcommittee, thus, will be to develop legislation on several funding methods together with a recommendation as to the preference. It is felt to be of great importance to the success of this legislation that the committee develop a method in which it wholeheartedly believes and champion this method strongly within the Legislature.

It is felt to be important that the findings of this new subcommittee impact the current session. Therefore, it is recommended that this subcommittee be given a date of April 15th for submitting its report and recommended legislation.

B. It is recommended that the Committee take measures to see that the facts concerning the broad economic benefit of hunting and fishing to the state are effectively called to the attention of the Legislature and the people of the State of Maine.

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