

MAINE STATE LEGISLATURE

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RECIPROCITY BETWEEN
MAINE FISH & WILDLIFE LAWS
AND THOSE OF OTHER STATES
AND CANADIAN PROVINCES.
COMMITTEE ON
FISHERIES & WILDLIFE

JUNE, 1985

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Sen. Charles Dow
Rep. Ernest Greenlaw
Rep. Earl Kelly
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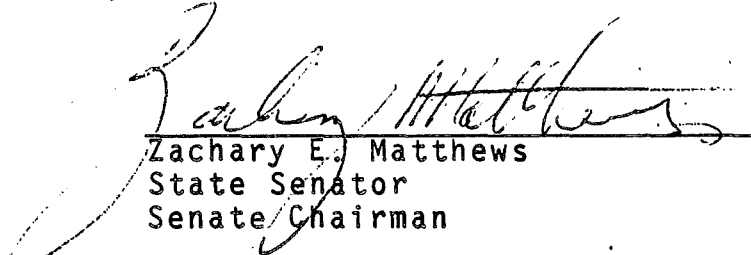
STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
COMMITTEE ON FISHERIES AND WILDLIFE

June 14, 1985

Representative John N. Diamond, Chairman
Legislative Council
State House
Augusta, ME 04333

Dear Rep. Diamond:

This will submit the report of the subcommittee which was formed by the Committee on Fisheries & Wildlife to study reciprocity of Fish and Wildlife laws and regulations between Maine and other states and neighboring Canadian provinces. This subcommittee was formed in accordance with authorization of the Legislative Council of May, 1984.


Zachary E. Matthews
State Senator
Senate Chairman


Paul E. Jacques
State Representative
House Chairman

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STUDY OF RECIPROCITY IN
FISH AND WILDLIFE LAWS AND REGULATIONS
BETWEEN MAINE AND OTHER STATES AND CANADIAN PROVINCES

Background

In March, 1984 Representative McHenry of Madawaska introduced L.D. 2164 to provide for reciprocal permit fees and guide requirements between Maine and other states and the Canadian provinces. The Committee did not feel that they had adequate information to act responsibly on the policy issues presented in this L.D. At the Committee's request, the sponsor took a leave to withdraw and the Committee made a study request of the Legislative Council. This request was made on May 4, 1984.

The study had the following objectives:

1. To study the nature and extent of the differences and similarities between the hunting, fishing, and trapping regulations and licensing requirements of Maine and other states and provinces and analyze the effect those variations and similarities have on Maine citizens;
2. To review alternatives to the current degree of reciprocity existing in Maine laws and regulations and evaluate the desirability of increasing the degree of reciprocity; and
3. To propose solutions to any problems which the committee feels exist with the reciprocity of Maine's hunting, fishing, and trapping regulations and licensing requirements.

The subcommittee held the first of two hearings at Madawaska on September 29, 1984. A planned second hearing was never held due to the unfortunate death of the House Chairman, Robert MacEachern.

Because the subcommittee only held 1 hearing, the Committee received permission to delay the submission of this report in order that it might profit from the public hearing on a related bill in this session.

Results of Study

A. Results of Hearing (Because of the location of the hearing, the focus was on non-resident aliens rather than on non-resident citizens.)

1. There was universal agreement about an unacceptable level of violations of the hunting laws and of unsportsmanlike, though legal, behavior.

2. There was disagreement as to whether Canadians contributed more than their share of such violations. Information from the Department indicates that non-resident alien violations are greater. The rate is 1.3% of non-resident alien hunters being apprehended versus .59% for non-resident citizens and .53% for residents. Thus, while there is no question that large amount of the negative feeling about non-resident alien hunters is due to their visibility and an understandable concern about non-citizens taking game which Maine residents find in short supply, this data indicates that aliens do have a higher violation rate. Additionally, these violations tend to be concentrated, since alien hunters hunt in a concentrated area along the border.

3. There were comments about an inadequate warden presence. However, those same comments may well have been received regardless of the part of the state. There was also a minority comment about the fact that laws are not enforced as vigorously with aliens.

4. In the opinion of the Department the remote nature of the area presents particular enforcement problems.

5. It was the general opinion that Canadian restrictions on Maine hunters were greater than Maine restrictions on Canadian hunters. Objective data (see section B) would indicate that this is marginally true in Quebec and definitely true in New Brunswick.

6. There was some feeling that Canadians had an above average incidence of several people hunting on the same license and of not tagging deer.

B. Proposed Solutions

The following solutions were identified as a means to combat problems peculiar to Canadian hunters. The consensus of those at the hearing relative to their efficacy is indicated, although the nature of hearings would indicate that these not be given great weight.

<u>Solution</u>	<u>Hearing Group Consensus</u>
Limit alien licenses	No
Require license of those entering from Canada with a gun	No
Require guide	Yes
Require photograph on license	Yes
Punch license when deer taken	Yes

C. New England & Canadian Laws & Regulations

1. Guides

The Department ascertained the following to be the regulation of the provinces bordering on Maine as regards guides for non-residents.

Quebec -- They do not require a non-resident to obtain the services of a guide to hunt or fish on public land. Any non-resident hunting or fishing in an area that is leased by an outfitter must obtain the services of that outfitter. Lastly, anyone hunting on certain crown preserves needs the services of a guide.

New Brunswick -- Any non-resident hunting or fishing is required to comply with the following:

Must obtain the services of either a Class I or Class II guide or be covered under their exempt clause. A Class I guide is defined as being a professional guide that can charge for his services only as a guide and cannot participate in hunting or fishing while guiding. A Class II guide is a resident of New Brunswick who wishes to guide a friend or relative who is a non-resident but will receive no pay for his services. Whenever it is the opinion of the Minister that there are not enough guides readily available in the area where the hunting and fishing is going to occur, the Minister may issue a guide exemption.

No New England states require guides for non-residents.

2. License Fees (See Table 1)

Maine's license fees for non-resident citizens are considerably higher than those of other states. Maine's non-resident alien small game fees are also considerably higher than the 2 neighboring Canadian provinces. For hunting any type of large game Quebec alien fees are higher than those of Maine. New Brunswick is considerably lower. For a license to catch any type of fish Maine is comparable with Quebec and considerably lower than New Brunswick. The latter has a very steep fee for salmon.

D. Background Information

1. Non-resident aliens.

a. In 1984 approximately 3,600 non-resident aliens were licensed to hunt in Maine. The revenue to the Department was \$350,000.

b. The success ratio for non-resident aliens in 1984 was 26% as compared to 13% for non-resident citizens and 10% for residents.

It is the opinion of the Department that the greater success enjoyed by non-resident aliens is due to the access that they have to areas being actively lumbered, as those are often run by Canadians, and to the effort that they put into deer hunting.

2. Non-resident Citizens

Non-resident citizens license sales totaled approximately 32,000 in 1984, resulting in revenue to the Department of roughly \$2,400,000.

Legislation

1. LD 639 was introduced into the current session. It requires that aliens including resident aliens, have a guide when they hunt. This bill would have made Maine's alien restrictions stronger than those of the neighboring Canadian provinces. This bill was given an ONTP because of the lack of sufficient Maine guides and because of the fear that this requirement would decrease the purchase of licenses by Canadians. Non-resident alien licenses contributed \$338,000 to the Department and accounted for 4% of license sales.

This study, however, serves to highlight a major paradox which the State as a whole may well need to confront in the near future. The non-resident sportsman is a major source of income for the State, on the one hand. On the other, he is competing with a growing resident population for a limited resource. Unless this problem can be reconciled, complaints such as those which prompted this study will in all likelihood continue.

2. LD 561 which has been voted OTP contains a provision that all non-residents be required to employ a guide if they plan to hunt with dogs.

3. No further legislation is recommended at this time.

Conclusion

The Committee recognizes the problem posed by the actions of some non-resident hunters. However, it also recognizes the importance of those hunters as a source of income to the State.

At the moment the Committee knows of no further legislation that would aid in the resolution of these problems. However, the Department will be instructed to monitor non-resident hunter activity, to informally keep the Committee apprised of the situation, and to continue to consider laws or regulations which may aid in the better control of the non-resident hunter.

Table I

LICENSE FEES

	<u>Resident</u>	<u>Non-Resident</u>	
		<u>Citizen</u>	<u>Alien</u>
Small Game			
Maine	\$13.00	\$45.00	\$60.00
New Hampshire	11.25	31.00	Same as Non-Resident Citizen
Vermont	8.00	30.00	"
Massachussetts	12.50	23.50	"
Connecticut	9.00	27.00	"
New York	8.80	35.50	"
New Brunswick	6.00	N/A	35.00
Quebec	6.25	N/A	30.00
Large Game			
Maine	No Additional Fee	75.00	115.00
New Hampshire	"	59.00	Same as Non-Resident Citizen
Vermont	"	60.00	"
Massachussetts	"	48.50	"
Connecticut	"	N/A	"
New York	"	55.50	"
New Brunswick	"	N/A	"
Deer	16.00		60.00
Bear	10.00		25.00
Quebec		N/A	
Deer, Moose	20.00		115.00
Bear	20.00		50.00
Fishing			
Maine	13.00	40.00	60.00
New Hampshire	12.25	24.00	Same as Non-Resident Citizen
Vermont	8.00	20.00	"
Massachussetts	12.50	17.50	"
Connecticut	9.00	35.00	"
New York	9.50	20.50	"
New Brunswick		N/A	---
Trout	Free		30.00
Salmon	16.00		100.00
Quebec	5.75	N/A	25.00
Salmon	15.75		40.00