

MAINE STATE LEGISLATURE

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State of Maine
Senate Chamber
Augusta, Maine 04333

April 3, 1978

Rep. John L. Martin
Chairman, Legislative Council
c/o Speaker's Office
State House
Augusta, Maine 04333

Dear Representative Martin:

In accordance with House Paper 1300, which ordered the Committee to study the present operation, administration and funding of the Department of Inland Fisheries and Wildlife, we enclose herein the final report of the Joint Select Interim Committee to Study the Department of Inland Fisheries and Wildlife.

Respectfully submitted,

A handwritten signature in cursive script, reading 'Ronald E. Usher'.

Senator Ronald E. Usher

enclosures
JB/sym

REPORT OF THE
JOINT SELECT INTERIM COMMITTEE TO STUDY THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

STUDY OF THE DEPARTMENT OF
INLAND FISHERIES AND WILDLIFE OPERATIONS
H.P. 1300

Senate

Ronald E. Usher
Andrew Redmond
Cecil H. McNally

House

Charles Dow
Kenneth Mills
Kenneth Tozier, Jr.
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Maynard G. Conners
John E. Masterman
John H. Rollins
David Paul

Legislative Assistant

John Bailey

March 22, 1978

Introduction

There was mounting concern in the First Regular Session of the 108th Legislature over the manner in which the department of Inland Fisheries and Wildlife was operating. In response to this concern, the Legislature formed, through House Paper 1300, a Joint Select Interim Committee to study the operation, administration and funding of the department, and the level of efficiency at which the department has been functioning.

In accordance with the study order, the Committee reviewed staffing levels, program priorities, enforcement activities, and other areas of operation of the department. Financial reports were analyzed, and extensive interviews were conducted with department personnel. Generally, the Committee found the department to be efficiently administered, and responsive to the needs of the State. There were a few minor areas, however, where the Committee has recommendations to improve the operation of the department.

Fisheries and Wildlife research activities

An outline of major research activities for the last six years is contained in Appendix 1. All of these activities are considered to be important to the management of the fisheries and wildlife resource. All projects should have termination dates, however, and be very carefully screened to avoid duplicate or unnecessary efforts. Appendix 1 also contains total expenditures by division for the last six years. Federal funds are currently the source of approximately 50 percent of research expenditures. The department should avoid using hunting or fishing license revenues for non-sport fisheries or game research.

Staffing levels for research, Appendix 2 are generally adequate. Personnel should be shifted as necessary to new areas of high priority. Two areas to which emphasis might be advantageously increased include coyote control and beaver management problems.

Enforcement activities

Morale was found to be high in the warden service, and the personnel to be of the highest caliber. Competition for new warden positions is keen, and well-qualified people are entering the field. Communications within the division and with other divisions is adequate, but should be constantly stressed by supervisory personnel.

A breakdown of time spent on different activities for the major divisions in 1976-1977 is in Appendix 3. A significant amount of department time was spent on matters not directly related to fish and wildlife management. The department should be refunded from the General Fund for non-fish and game expenditures.

A significant amount of warden service time is spent on non-enforcement activities. Staffing levels in the warden service would be adequate if wardens were relieved of non-enforcement responsibilities. Non-enforcement duties should be shifted from the warden service, allowing wardens to spend more time in the area of their primary responsibility. It might also be advantageous to augment the warden service with part-time help or full-time non-enforcement game warden aides.

Hiring the best qualified applicants to new positions in the warden service is hindered by the preference given to current state employees from other departments. This policy should be changed.

It is difficult to drive off-the-road four wheel drive and pursuit vehicles 75,000 miles before they are traded in. This requirement should be eliminated from warden service vehicles.

Recommendations

1. Section 14 of the current appropriations bill, LD 2021, should be amended to remove the requirement that warden service vehicles be driven 75,000 miles before trade-in. Proposed language is contained in Appendix 4 .

2. State employee preference for new warden service positions should be stopped. Proposed legislation to do this is contained in Appendix 5 .

3. The department should recover non-fish and game expenditures from the General Fund. Proposed legislation to do this is contained in Appendix 6 .

4. In accordance with 12 MRSA § 2001, part-time wardens should be hired seasonally to reduce peak workloads. Alternatively, the department could develop a job description for full-time fish and game warden aides, to assume the non-enforcement duties of wardens, and provide an entry position for prospective wardens.

5. In accordance with 12 MRSA § 2354, sub-§ 10, department personnel should be vigorously used to control problem coyote populations.

Planning

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
MIDAS support	x	x	x	x	x	x
Species plans	x	x	x	x	x	x
Dept. coord.	x	x	x	x	x	x
Env. Laws			x	x	x	x
Expenditures, thousands	<u>317</u>	<u>168</u>	<u>141</u>	<u>169</u>	<u>192</u>	<u>216</u>

Wildlife Research Programs

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Waterfowl	x	x	x	x	x	x
Woodcock	x	x	x	x	x	x
Canada geese	x	x	x	x	x	x
Black bear	x	x	x	x	x	x
Moose	x	x	x	x	x	x
Deer	x	x	x	x	x	x
Small game	x	x	x	x	x	x
Furbearers	x	x	x	x	x	x
Environmental laws	x	x	x	x	x	x
Beaver marsh program		x	x	x	x	x
Wetlands inventory		x	x	x	x	x
Winter severity index		x	x	x	x	x
Deer yards study	x	x	x	x	x	x
Turkey stocking					x	x
Endangered species					x	x
Dickey Lincoln review					x	x
Coyote control						x
Deer mirrors						x
Expenditures, thousands	<u>610</u>	<u>581</u>	<u>749</u>	<u>760</u>	<u>676</u>	<u>695</u>
Total Department Expenditures, thousands	4663	4856	5308	6276	6087	6102

APPENDIX 1, MAJOR PROGRAMS AND EXPENDITURES BY DIVISION.

Atlantic Sea Run Salmon Commission Projects

	<u>1975</u>	<u>1976</u>	<u>1977</u>
Atlantic salmon spawning survey	x	x	x
Stocking; one year and fry	x	x	x
Smolt release program	x	x	x
Fishway Traps	x	x	x
Smolt migration	x	x	x
Salmon nutrition	x		
Genetic characteristics	x		
Pesticides	x		
Machias river clean-up		x	
Upstream migration studies		x	x

Fisheries Research Projects

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>
Lake Surveys	x	x	x	x	x	x
Trout streams	x					
Fish stocking	x	x	x	x	x	x
Forage stocking	x	x	x	x	x	x
Trout pond management study	x	x				
Trout longevity	x	x	x	x	x	x
Salmon hooking mortality		x	x	x	x	x
Rainbow trout project		x	x			x
Pond reclamation	x	x	x	x	x	
Sunapee trout		x	x	x	x	x
Spruce Budworm monitoring				x	x	x
Environmental investigations	x	x	x	x	x	x
Expenditures, thousands	<u>369</u>	<u>353</u>	<u>408</u>	<u>462</u>	<u>401</u>	<u>417</u>

APPENDIX 2
ANALYSIS OF PERMANENT & PART-TIME EMPLOYEES AS OF
THE LAST PAYROLL PAID IN DECEMBER 1977

	<u>Perm. Full Time</u>	<u>Part-Time Hourly & Seasonal</u>	<u>Total</u>
Central Administrative Services			
Administration	23	1	24
Department Storehouse	3	-	3
Hunter Safety	2	4	6
Snowmobile Safety	-	3	3
Engineering Division	4	4	8
Realty Division	5	-	5
Information & Education	5	-	5
Total	<u>42</u>	<u>12</u>	<u>54</u>
Biological Services			
Game Farm	3	2	5
Hatchery Division	34	1	35
Wildlife Division	32	1	33
Planning Division	15	-	15
Fisheries Division	24	-	24
Total	<u>108</u>	<u>4</u>	<u>112</u>
Warden Service			
Warden Service	126	-	126
Warden Aircraft	5	-	5
Total	<u>131</u>	<u>-</u>	<u>131</u>
Sub-Total Inland Fisheries & Wildlife			
	281	16	297
Watercraft Registration	5	-	5
Snowmobile Registration	5	7	12
Atlantic Sea Run Salmon Commission	<u>6</u>	<u>-</u>	<u>6</u>
Total all Divisions	297	23	320
Professional Biologists			
Wildlife			27
Fisheries			23

APPENDIX 3
SUMMARY OF WORK ACTIVITIES
OCT. 1, 1976 TO SEP. 30, 1977

	<u>MAN-DAYS</u>	
WILDLIFE DIVISION		
Facilities	2795.6	
Wild Duck	814.0	
Woodcock	59.5	
Canada Goose	22.3	
Deer	2664.5	
Bear	693.0	
Moose	47.6	
Upland Furbearer	95.7	
Aquatic Furbearer	111.9	
Upland Game	117.0	
Turkey	50.4	
Non-Game	65.6	
Environmental Impact Assessment	161.2	
Habitat Management, Baxter Cooperation	41.0	
Law Enforcement Assistance	22.5	
Other Misc.	1316.7	
Total		9078.5
 FISHERIES DIVISION		
Lake and Stream Surveys	973.3	
Creel Census	1861.1	
Fisherman Surveys, etc.	103.1	
Environmental Impact Investi- gations	707.2	
Technical Guidance	42.6	
Water Level Control	7.1	
Fish Passage	20.1	
Fishing Regulations	58.1	
Liaison	174.0	
Technical, Popular Reports	227.7	
Stocking	244.0	
Administration	1410.8	
Coordination Activities	482.0	
Landlocked Salmon	109.4	
Brook Trout	235.5	
Lake Trout	0.9	
Brown Trout	27.3	
Rainbow Trout	3.0	
Blueback Trout	4.3	
Lemapee Trout	118.9	
Smelt	19.6	
Lake Whitefish	13.9	
Cusk	12.5	
Largemouth Bass	1.8	
Total		6862.2

WARDEN SERVICE DIVISION

FISH & GAME RELATED ACTIVITIES

Administrative	2168
Reports	1827.6
General Patrol	7518.1
Fish Law Enforcement	6241.4
Wildlife Law Enforcement	8996.4
Training	1271.9
Wildlife Management	1559.1
Fisheries Management	92.5
Public Relations	683.0
Other Fish and Wildlife Activities	316.6

Subtotal

30674.6

NON-FISH AND GAME RELATED ACTIVITIES

Environmental Enforcement	108.3
Boat Law	844.6
Snowmobile Law	1254.5
Dog Leash Law	1784.0
Litter Law	196.1
Assisting other Law Enforcement Agencies	657.4
Search and Rescue	484.8

Subtotal

5329.7

Total

36004.3

APPENDIX 4
PROPOSED LEGISLATION TO ALLOW TRADE-IN OF WARDEN
SERVICE VEHICLES BEFORE THEY ARE DRIVEN
75,000 MILES

Amend Sec. 14 of L.D. 2021 as follows:

Sec. 14. Motor vehicle replacement policy. The State Purchasing Agent is directed to require that requisitions for replacement motor vehicles include the age and total mileage of the motor vehicle being replaced. For the purposes of this section, motor vehicles are defined as passenger cars, panel and pickup trucks, excluding those vehicles operated by the State Police, and Warden Service. It is the intent of the Legislature that motor vehicles shall have been in service for at least 5 years or 75,000 miles before they are replaced. This policy shall also be adopted by the State Budget Officer when next preparing a Budget Document. Exceptions to the established replacement policy shall require the prior approval of the Commissioner of Finance and Administration.

STATEMENT OF FACT

This amendment would allow the Department of Inland Fisheries and Wildlife to trade in Warden Service vehicles before they are driven 75,000 miles.

APPENDIX 5
PROPOSED LEGISLATION TO REMOVE STATE EMPLOYEE
PREFERENCE IN SELECTING APPLICANTS FOR
THE FISHERIES AND WILDLIFE WARDEN
SERVICE

Section 1. Amend 5 MRSA §672 by making the following changes:

§672. Filling of positions

Positions in the classified service shall be filled by original appointment, promotion, transfer, reinstatement or demotion in pursuance of rules and regulations established by the director except that the director shall not promulgate regulations that give preference to persons employed by the State in hiring wardens for the Inland Fisheries and Wildlife Department.

STATEMENT OF FACT

This bill removes state employee preference in hiring for new Warden Service positions.

APPENDIX 6
PROPOSED LEGISLATION TO PROVIDE FUNDS
TO THE DEPARTMENT OF FISHERIES
AND WILDLIFE

Sec. 1 12 MRSA §1903 as amended by RS 1954 c. 37, §26 is amended as follows:

§1903. Lost persons

Whenever it shall come to the attention of the commissioner or his deputy commissioner, that any person or persons known to have gone upon a hunting or fishing trip, or a trip for any other purpose, in the woodlands of the State and have not returned within a reasonable time after his or their departure, the commissioner is authorized to summon any person found within the State to assist in finding the lost person or persons, and each person so summoned shall be paid at a rate set by the said commissioner, with the approval of the Governor and be provided with subsistence during such service. ~~The expenses of the commissioner in attempting to find lost persons shall be charged to the General Fund.~~ The commissioner shall have authority to terminate the search by members of his department.

Sec. 2. 12 MRSA §1908 is enacted to read:

§1908. General fund appropriation.

For each year of the biennium there shall be appropriated from the General Fund an amount which shall equal the mathematical product of the "stated percentage" and the "adjusted budget" of the Department of Fisheries and Wildlife. For purposes of this Section the following definitions shall apply:

a. State percentage. Stated percentage shall be a percent, not to exceed ten (10) percent, determined by the Legislature as the appropriate percent of the "adjusted budget" of the Department to be paid out of the General Fund. In determin-

ing such percent, account shall be taken of projection of Department surpluses and revenues projected to be available; necessary expenditures; needs for working capital and funds for contingencies; the amount of the adjusted budget projected; and material contained in the Special Report of the Commissioner. Such determination shall be made at each regular session of the Legislature, prior to and for use in the next succeeding fiscal year.

The Commissioner shall submit a Special Report to the Inland Fisheries and Wildlife Committee of the Legislature within fifteen days after convening of each regular Legislative Session. The report shall contain, for the preceding, current, and next succeeding fiscal years, information and data showing the percentage and costs of personnel time spent on particular duties assigned to each bureau and division; the use of fisheries and wildlife facilities by persons other than licenses of the Department; and a comparison of revenues with costs for each program of the Department.

b. Adjusted budget. The "adjusted budget" shall be the total amount projected for expenditure by the Department for the next succeeding fiscal year minus an amount equal to the sum, projected for such fiscal year, of expenditures (a) for Federal grants and non-Federal capital expenditures, and (b) made from other State funds.

FISCAL NOTE

The appropriation from general Revenues required by this Act will vary according to the needs of the Department.

STATEMENT OF FACT

This bill results from a study undertaken by the Joint Select Committee to Study the Inland Fisheries and Wildlife Department, pursuant to H.P. 1300. The Committee studied the operation of the Department of Inland Fisheries and Wildlife to determine the extent that Department personnel devotes its time and resources to implementing environmental laws and regulations. In recent years an increasing burden has been placed on the Department for the duties that the Committee decided should be funded from general revenues and not totally supported by fishing and hunting licenses.