

MAINE STATE LEGISLATURE

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REPORT OF THE

MAINE INTERIM

FISH AND GAME

COMMITTEE

Jan. 30, 1967

STATE OF MAINE

102nd LEGISLATURE

REPORT OF THE INTERIM STUDY COMMITTEE

ON THE

DEPARTMENT OF INLAND FISHERIES & GAME

Senators -

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Representatives -

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January 30, 1967

Authorized by the 102nd Maine Legislature
Report to the 103rd Maine Legislature

Of basic importance to any recommendations to be made for Maine in the field of inland fish and game is the realization of the extent and quality of Maine's resources and potential in this area. Secondly, it is of equal importance to fully realize the favorable impact that this resource has had and can continue to have on the Maine economy.

THE BASIC RESOURCE

With a land area of 33,215 square miles Maine is the largest New England state and has 17,425,000 acres of timberland which constitutes the largest forest area in the East. Within the state are approximately 2,500 lakes and ponds ranging in size from tiny ponds cupped in the remote mountains to majestic Moosehead Lake. Maine has more than 5,000 streams and small rivers, many of them part of the river basin systems of the state's five largest rivers. At the same time a modern highway system makes these vast natural resources available within one day's driving time to about one-sixth of the nation's population.

Population expansion, particularly in the area from Boston to Washington, D. C., puts more and more pressure on outdoor recreation resources and particularly on fish and game resources which are particularly sensitive to population changes. The value of Maine's forest lands, lakes, streams and game will increase as will the number of out-of-state hunters and fishermen and the economic impact of their trips to Maine.

The fish and game that is present in this vast network of rivers, ponds and woods is indicated by the estimate that Maine's forest lands, which cover more than

87% of the state contain more than 180,000 wintering deer. For the past several years the annual deer kill has been more than 35,000 per year. A 1966 census by the Department of Inland Fisheries and Game indicates that there are approximately 7,000 moose in Maine. In addition there are an estimated 7,000 bear and an abundance of small animals, game birds and fish. More than 30,000 pheasants are raised and liberated yearly to increase the count of this game bird. Ruffed grouse or "partridge" are widely distributed, woodcock breeds locally throughout most of the state, black ducks have been breeding in relatively good numbers in the state for several years and additional sport is offered by the flight birds from the North. Although wild fish make up the largest proportion of Maine fish, a progressive hatchery program is conducted. More than 1,300 lakes have been surveyed and information of value to the angler, vacationist and camp owner has been published.

NATIONAL GROWTH OF HUNTING AND FISHING

Unfortunately the 1965 National Survey of Hunting and Fishing was not available for use at the time of writing of this report. However, the national surveys made by the U. S. Department of Interior, Fish and Wildlife Service and Bureau of Sport Fisheries and Wildlife, in 1955 and 1960 show that the number of hunters and fishermen is increasing at a rate of 20% every five years. In 1955 there were 24.9 million hunters and fishermen in the nation and this total increased to 30.4 million in 1960. The same growth rate projected to 1965 indicates that there are now more than 36 million hunters and fishermen.

It should also be kept in mind that this total represents the "substantial participants". The same survey indicates that fifty million persons (if unlicensed are included) over 12 years old went hunting or fishing or both in 1960. Even

without allowing for the increase in popularity of hunting and fishing as forms of recreation -- population increase alone indicates that (with two-fifths of the persons over 12 years participating) the number of persons who went hunting or fishing or both in 1965 increased by more than five million over the total number of participants in 1960.

THE NATIONAL ECONOMIC IMPACT

There is no question of the economic impact of all forms of recreation -- including hunting and fishing. During the 1950's personal expenditures on recreation rose 60%. In 1960 some thirty million hunters and fishermen spent \$4 billion dollars -- an increase in spending of more than 30% in just five years. Projection of this rate of increase in spending on hunting and fishing indicates that the total nationally is now well over the \$5 billion dollar mark. The Department of the Interior has projected that the number of fishermen and hunters nationally will top 40 million in the next five years with a corresponding increase in the amount spent on the sports. But it is possible that these predictions may be substantially exceeded due to rapidly increasing popularity of both sports. In one five-year period from 1955 to 1960 the number of women hunting more than doubled from 418,000 to 860,000.

It is also of great interest to Maine to note that in the New England and Middle Atlantic regions in 1960 more than 800,000 persons took fishing trips lasting more than one day and more than 350,000 persons took hunting trips lasting more than one day. By far the largest number of trips were made by automobile.

HUNTING IN MAINE - THE ECONOMIC IMPACT

A survey made by the Maine Department of Inland Fisheries and Game in 1964 of holders of hunting licenses shows that the average resident hunter in Maine spent \$129 in 1964 and in the same year the average out-of-state hunter spent \$190 in Maine before going home. Perhaps the most revealing of all figures is the total amount of money spent in Maine by all licensed hunters. The total came to more than \$24 million dollars and was spent by 139,800 resident and 32,200 non-residents during 1964. While the largest part of the money spent on hunting or more than \$18 million was spent by resident hunters, it should be kept in mind that more than \$6 million was spent by out-of-state hunters.

The survey indicates that virtually all non-resident hunters hunt deer with only 11% indicating any interest in small game and only 4% hunting waterfowl. The top expense item for non-residents was subsistence, largely lodging. Following in the order of importance as expenses for non-residents were travel, guides, clothing and boots, guns and accessories, ammunition, camping gear and miscellaneous services. However, about one-fifth of spending was for various other items, including such major purchases as camps or land.

A few of the totals estimated (including both resident and non-resident hunters) were travel \$5,425,000; subsistence \$3,786,000; guns and accessories \$3,731,000; ammunition \$1,514,000; clothing and boots \$2,100,000; camping gear \$582,000; all other (ranging from one dollar items to boats, motors, and camps) \$5,499,000.

In addition it was pointed out "... that this survey of hunters' expenses is intended simply to estimate the amount of money spent in Maine for hunting.

It does not imply estimating the value of hunting in the Maine economy although the money spent in the state by non-residents represents "new" money, most of which probably would not have been spent in Maine if the sport of hunting did not exist.

"Not included in the survey were spending by unlicensed hunters, hunting license fees, deer registration fees, and court fines and fees related to hunting. The grand total of these items would go over \$1 million. Also the value of meat and hides was not computed and this would be a substantial figure."

The most recent figures from the Department of Inland Fisheries and Game indicate that 103,098 resident hunting licenses were issued in fiscal year 1965-66 for a total revenue of \$263,802. A total of 33,171 non-resident deer hunting licenses were issued during the same period for a total revenue of \$831,525. Thus, the combined value of resident and non-resident hunting licenses alone is well over \$1 million. In addition there were various other guide licenses, junior licenses, small game licenses, etc. and 45,136 resident combination licenses with the latter bringing in \$285,582 in 1965-66.

FISHING IN MAINE - THE ECONOMIC IMPACT

It is not possible to give exactly comparable figures for the economic impact of fishing on the Maine economy since no comparable survey of non-resident and resident fishermen has been made. However, it is possible to come up with an estimated overall total.

The 1960 National Survey of Hunting and Fishing indicated that the average fresh water fisherman spent \$95. This was broken down as food and lodging \$9; automobile \$13; boats, motors and general equipment \$37; fishing equipment \$11;

licenses, tags, permits and fees \$4; bait, guide fees and other trip expenses \$18; and boat launching and other \$2. (Note: totals do not add exactly due to rounding of cents). It should also be noted that this list of fishing expenditures does not include the large category mentioned in hunting as "all other" and including items not directly related such as camps, etc. Since total expenditures on both hunting and fishing have been rising more than 30% in five-year periods, it is reasonable to expect that these averages, based on the 1960 national survey, are now on the conservative side.

In the last fiscal year Maine issued 89,124 resident fishing licenses and 45,136 resident combination licenses for a total of 134,260. Using the 1960 average expenditure per fresh water fisherman indicates total spending by resident Maine fishermen of \$12,754,700. There were 14,620 non-resident season licenses issued the same year indicating spending by this group of \$1,388,900. Any type of estimate of the amount spent by the 52,158 persons who purchased non-resident 15-day, 7-day, or 3-day licenses is more difficult but the federal survey indicates total spending by this group of \$4,955,010. If it is estimated that at least one-third of this was spent in Maine, it indicates spending by non-residents purchasing less than seasonal licenses of \$1,651,670.

These estimates point to total spending by licensed senior fresh water fishermen in Maine of \$15,795,000 with \$3,040,000 being accounted for by non-residents.

TOTAL ECONOMIC IMPACT OF FISHING AND HUNTING
 Total Estimated Spending by Hunters and Fishermen
 Maine, 1964

	<u>Hunters</u>	<u>Fishermen</u>	<u>Total</u>
Resident	\$18,770,600	\$12,754,700	\$31,525,300
Non-resident	<u>6,124,000</u>	<u>3,040,570</u>	<u>9,164,570</u>
Total	\$24,894,600	\$15,795,270	\$40,689,870

Even allowing for the conservative base of the figures, it can be reliably estimated that, as the accompanying chart shows, hunting and fishing have an impact of more than \$40 million dollars a year on the Maine economy -- about one-fourth of which is due to non-residents. In addition, in the last fiscal year, total revenue from hunting and fishing license fees received by the Department of Inland Fisheries and Game was more than \$2 million.

The economic importance of fishing and hunting as well as the recreational importance, which cannot be measured or even estimated in dollars and cents, make it clear that the planning done and the policies followed by the Department of Inland Fisheries and Game and the Legislature are of great importance to the people of the state.

DEDICATED REVENUES

The following chart shows the major expenditures over \$5,000 and the major sources of revenue over \$5,000 of the Department of Inland Fisheries and Game for the 1965-1966 fiscal year.

EXPENDITURES

(\$5,000 or more)

Administration	\$171,996
Bounties-Repellents	25,029
National Science Foundation	11,666
Game Research U. of M.	8,750
Fisheries Research U. of M.	10,000
Warden Division	1,111,162
Warden Aircraft Division	92,855
Hatchery Division	321,752
Public Works Projects	8,483
Phillips Station Construction	18,315
Game Farm	66,514
Engineering Division	62,844
Game Research Division	308,218
Fisheries Research Division	201,907
Information and Education Division	90,623
Conservation Education Foundation	5,000

Total Expenditures - Fish and Game Fund

(Including those under \$5,000) -

\$2,525,498

INCOME

(\$5,000 or more)

Resident combination licenses	\$285,582
Resident Hunting Licenses	263,802
Resident Fishing Licenses	285,574
Non-resident Deer Hunting Licenses	831,525
Non-resident Small Game Licenses	22,285
Non-resident Season Fishing Licenses	131,504
Non-resident 15-day Fishing Licenses	151,241
Non-resident 7-day Fishing Licenses	12,540
Non-resident 3-day Fishing Licenses	94,434
Non-resident Junior Fishing Licenses	25,878
Resident Guide Licenses	18,316
Resident Trapping Licenses	10,160
Beaver Stamping Fees	7,095
Fines and Fees	91,972
Federal Grants - Public Works	19,989
Federal Grants - Game Division	155,387
Federal Grants - Fisheries	60,432
Services and Fees Charged Federal Govt.	6,042
Private Contributions	59,920
Sale of Books	11,118
Sale of Equipment	17,564

Total Income (Including those under \$5,000)

\$2,613,916

The preceding figures of major items of expenditure indicate that by far the largest amount of the department's money is spent on its warden service (including aircraft), hatcheries, and fish and game research. Expenditures on these activities account for \$2,035,894 in the last fiscal year out of total expenditures of \$2,525,498.

Hunting and fishing licenses are obviously the major source of income accounting for more than \$2,000,000 out of total income of \$2,613,916. The largest single item of income is \$831,525 from non-resident deer hunting licenses. Income from the federal government totaled \$241,850.

The first subject assigned to the committee for study was the question of dedicated revenue. A public hearing was held at the State House on August 25, 1965. In general there was strong support, particularly from representatives of Maine Fish and Game Clubs, all of which had been invited to send representatives to the meeting, for the retention of the system of dedicating income from fish and game licenses and other fees to support the program of the Fish and Game Department. Many of those attending the hearing felt that there was a need to supplement the present income of the department, particularly in the area of special projects such as dam repair and maintenance, which could qualify for federal matching funds. Those who appeared before the committee were divided on whether or not it would be best to supplement the present income from licenses by increasing license fees or by asking for a special supplementary appropriation from the general fund. Several persons pointed out that the Fish and Game Department has acquired duties in areas outside the enforcement of fish and game laws, such as enforcement of laws on boating, water skiing, etc.

The committee feels that while it does have a recommendation to make in the area of dedicated revenues, that the public should be aware of some of the advantages and disadvantages of dedicating revenues -- no matter what the source or disposition. For this reason we have included here a pertinent discussion of the subject drawn largely from a study entitled, "Earmarked State Taxes" made by the Tax Foundation in 1965.

CRITICISM AND JUSTIFICATIONS OF EARMARKING

The adoption and spread of earmarking has occurred despite extensive and sustained criticism by officials of government, scholars and specialists in public administration. Such criticism has continued essentially unchanged for nearly thirty years. The justifications, too, differ but slightly.

Criticisms of Earmarking

1. Earmarking, it is said, hampers effective budgetary control, in some cases seriously.

Effective fiscal management depends, among other things, on a system which permits the entire financial picture of the government to be shown in one comprehensive document and requires action on all parts. Such a system enables legislatures to weigh the relative merits of each state program in terms of the total funds which are available for expenditure on all functions. But the presence of special annexed budgets, independent of the main budget, creates almost insurmountable obstacles to the determination of optimum levels for expenditure on various public functions. The fact that nationally approximately four out of every ten dollars

collected in state taxes were set aside for specific purposes in fiscal 1963 may have hampered the budgeting in many states.

2. Earmarking leads to a misallocation of funds, giving excess revenues to some functions while others are under-supported. Maldistribution of revenue is almost unavoidable under earmarking since there is no necessary, or even probable, relationship between the yield from a dedicated source and the most reasonable level of expenditure on the designated activity. Waste results in the functions which receive unduly generous revenues and the public is deprived of needed services in cases where amounts received are relatively meager.
3. Earmarking makes for a troublesome inflexibility of the revenue structure, with the consequence that legislatures experience difficulty in arranging suitable adjustments to changing conditions. Earmarking, it is argued, imparts an awkward rigidity to state budgets. As the relative needs of various state programs shift, legislatures faced with a heavily earmarked revenue structure find themselves in a trying position.
4. Earmarking statutes tend to remain in force after the need for which they were established has passed.
5. Earmarking infringes on the policy-making powers of the executive and the legislature, since it removes a portion of governmental activities from periodic review and control.

Lack of control over the state purse -- as a consequence of the preceding points -- vitiates the policy-making power of executives and legislatures. Ear-

marking can remove important areas of government activity from effective and regular legislative or executive supervision and review, by limiting discretion in the determination of current relative needs of various state programs and in the allocation of state financial resources to meet those needs.

Critics of earmarking concede that the pertinence of these arguments may depend not only on the degree of earmarking, but also on its nature. Statutory earmarking, subject to change by the legislature is far less formidable than constitutional earmarking. In some states earmarked funds can be expended only after appropriations are made, thus effectively bringing them under annual legislative review. Provisions for the transfer of surpluses accumulated in earmarked funds also somewhat reduce the impact of earmarking. Some authorities hold that the importance of earmarking is reduced when actual expenditures exceed funds earmarked for the specified function.

Justifications of Earmarking

In spite of the apparent force of arguments against earmarking, it exists in every state. In fact, in two-fifths of the states, the proportion of total collections earmarked exceeds 50% and in two states, Alabama and Louisiana, 87% of collections are dedicated. What are the arguments offered in favor of earmarking?

1. Earmarking makes it possible to require those who receive the benefits of a government service to pay for it.

When the beneficiaries of a certain public service are a distinct group, and one which pays a particular tax or set of taxes, these taxes should, it is argued, be tied to the special use. Such application of the benefit principle appeals on the grounds of fairness i. e., those who receive the

special benefits should bear the cost, but they should not be required to pay for other services through special taxes.

2. Earmarking assures a minimum level of expenditures for a desired government function.

When legislative support for a public service cannot be relied upon, earmarking assures at least a minimum outlay for the function. If, for one reason or another, the public does not trust the budgetary process to provide ample funds in the future for some service, earmarking may be supported until better methods can be developed. Special groups with a strong interest in, say, education, may press for earmarking to assure the continuity of the program without repeated pressure.

3. Earmarking can contribute stability to the state's financial system.

A related argument holds that since earmarking provides a floor to expenditures of a given nature, it may also reduce fluctuations in spending and hence impart a degree of stability to the state's financial structure.

4. Earmarking assures continuity for specific projects.

Earmarking provides assurance of the continuity of funds for specific projects. The certainty of future funds also facilitates long-range planning.

5. Earmarking can induce the public to support new or increased taxes or fees.

Opposition which might arise to a new tax or license fee or an increase in either may be overcome by associating the new revenue with a popular public service.

In addition to these arguments the basic opposition to removing the provision for dedicated funds as expressed by the Maine Commissioner of Inland Fisheries and Game should be outlined:

1. Operating without dedicated revenue would mean a loss of federal funds.

The department obtains its Pitman-Robinson and Dingle-Johnson funds at the present time based on the number of licenses sold in the state and on the land area of the state. One of the requirements for the allocation of these funds is that all money from license funds that are sold in the state do go to the State Fish and Game Department. Maine would sustain a loss of about \$250,000 a year in federal funds if income from fish and game licenses was not dedicated.

2. The Fish and Game Department would not be supported at the same level

at which it is now operating, if it was placed under the General Fund.

Sportsmen would be "short changed" if the department was under the General Fund because there are many demands, and important ones,

from other areas. The long-range program for preservation and development of the state's natural resources would suffer as a result of cutting down on funds.

3. Under the system of dedicating revenues, the Fish and Game Department

has a certain flexibility which is needed both to take advantage of federal programs which are not anticipated at each legislative session and to

solve problems of wildlife control which are not predictable.

4. The state could benefit from many additional programs and improvements

in conservation and development of the fish and game potential which cannot be carried out due to lack of funds. But removal of dedicated revenue

would not result in spending more but rather less money in this area.

STATES EARMARKING REVENUE FROM
HUNTING AND FISHING LICENSES
1963

<u>State</u>	<u>Amount of Collection</u> <u>(In 000's)</u>	<u>General Fund</u>	<u>Earmarked</u>
Alabama	\$1,583		100% Conservation
Alaska	1,561	44%	46% Conservation; 10% Sick & disabled fishermen
Arizona	1,627		100% Conservation
Arkansas	2,220		100% Conservation
California	10,575		100% Conservation
Colorado	5,437		100% Conservation
Connecticut
Delaware	103		100% Conservation
Florida	2,206	3%	97% Conservation
Georgia	962	100%	
Hawaii	55	100%	
Idaho	2,442		100% Conservation
Illinois	3,190		100% Conservation
Indiana	1,944		100% Conservation
Iowa	2,021		100% Conservation
Kansas	1,964		100% Conservation
Kentucky	1,845		100% Conservation
Louisiana	1,169		100% Conservation
MAINE	1,894		100% Conservation
Maryland	1,082		100% Conservation
Massachusetts	1,189		100% Conservation
Michigan	7,146		100% Conservation
Minnesota
Mississippi	1,622		100% Conservation
Missouri	4,312		100% Conservation
Montana	2,136		100 Fish & Game
Nebraska	1,572		100% Conservation
Nevada	1,648		100% Conservation
New Hampshire	1,096		100% Conservation
New Jersey	1,654	(a)	100% Conservation
New Mexico	1,273		100% Conservation
New York	5,661		100% Conservation
North Carolina	2,264		100% Conservation
North Dakota	476		100% Administration of game and fish
Ohio	3,145		100% Conservation
Oklahoma	1,739		100% Conservation

(a) - Amounts equal to revenue from licenses set aside from General Fund

<u>State</u>	<u>Amount of Collection (In 000's)</u>	<u>General Fund</u>	<u>Earmarked</u>
Oregon	3,760	2%	98% Conservation
Pennsylvania	5,998		100% Conservation
Rhode Island	91		100% Conservation
South Carolina	1,343		100% Conservation
South Dakota	2,459		100% Conservation
Tennessee	1,948		100% Conservation
Texas	3,886		100% Conservation
Utah	2,595		100% Conservation
Vermont	903		100% Conservation
Virginia	2,369		100% Conservation
Washington	4,490		100% Conservation
West Virginia	1,363		100% Conservation
Wisconsin	6,479		100% Conservation
Wyoming	3,027		100% Conservation

* Source: No. 8

The above table makes it clear that Maine's revenues from hunting and fishing licenses are not excessive when compared with other states. It is also clear that Maine fits the pattern of virtually every other state in the nation in dedicating 100% of its income from hunting and fishing licenses to conservation. There are only three states that turn revenues from hunting and fishing licenses into the general fund in any significant degree -- Alaska 44%, Georgia 100% and Hawaii 100%.

RECOMMENDATIONS ON DEDICATED REVENUES

The committee makes the following recommendations:

1. That the Maine Department of Inland Fisheries and Game continue to receive dedicated revenues from its present sources.

The committee recognizes the problems of earmarking as previously outlined but in view of the almost universal pattern in other states and in view of the resulting loss of federal funds, it feels that any change at this time would be undesirable.

2. The Inland Fisheries and Game Department should seek to increase the monies being spent on conservation and improvement of Maine's fish and game resources through appropriation from the General Fund to supplement its dedicated revenue. The Committee feels that due to an increase in license fees in 1965 the present level of licenses is sufficiently high and should not be increased.

It should be fully recognized that one of the problems of dedicated revenue can be the allocation of too little money for a specific purpose as well as too much. The importance to the state's economy of the natural resource of fish and game has been detailed. It is evident that dollars spent in improving and conserving this great resource will have a favorable impact on the Maine economy and that the importance of this resource will increase as population expands and available open space and game decrease in other areas.

A comprehensive survey of Maine's "Fishery Needs" for the decade from 1966-1976 contains a county-by-county, town-by-town projection of what needs to be done to improve Maine's inland fisheries, along with estimates of cost for each project. The projects include fishways, dam removals, introduction of new species of fish, reclamations, stream improvements and others.

This report states, "Many fishery problems have been uncovered, studied, and analyzed and logical, practical solutions are available for many of them. Limited funds are now the biggest obstacle to the practical management of Maine's inland fisheries.

ESTIMATED COSTS FOR ADDITIONAL SERVICES *
1966 - 1976

Reclamation	\$ 61,450
Evaluation of introductions, stocking and fishing	65,325
Habitat Improvement - fishways, water control dams, beaver damage control, stream improvement	910,525
New Projects - Moosehead, St. Croix River, Blueback trout, West Branch Penobscot, Union River	<u>292,500</u>
Total	\$1,329,800

* Source: No. 9

Congress passed an Act (see Appendix A) in 1965 and appropriated 25 million to conserve, develop and enhance the anadromous fishery resources of the nation. The act provides 50% federal matching funds up to the year which ends June 30, 1970 and the state's share in a project may be in the form of property as well as money. The Act limits the share of any one state over the five-year period to \$1,000,000 per year or a possible total of \$5 million over the five years covered by the Act.

The stated purposes of the Act are:

1. Engineering and biological surveys
2. Stream clearance activities
3. Construct, install, maintain and operate structures for the improvement of feeding and spawning conditions, for the protection of fishery resources and for facilitating free migration of fish.
4. To construct, operate and maintain fish hatcheries where necessary for the purposes of the Act.
5. To conduct any appropriate studies and make recommendations.

Maine has a need now for improvements in this one area alone totaling \$1.3 million dollars and affecting every county and hundreds of communities in the state. If matching funds are made available by the state, 50% federal money up to a maximum of \$1,000,000 per year over a five-year period is available over the next five years. The committee recommends that the Department of Inland Fisheries and Game and the 103rd Maine Legislature make the fullest possible use of the federal Anadromous Fisheries Act funds to improve Maine fisheries.

ADMINISTRATIVE BUDGET

The second subject assigned the committee was a review of the administrative budget as against the functions and activities of the department. At a hearing August 25, 1965 at the State House the committee heard testimony from:

Keith Miller, Department Business Manager
Maynard Marsh, Chief Game Warden
David Lark, Assistant Superintendent of Hatcheries
Laurence F. Decker, Chief Engineer
Kenneth W. Hodgdon, Chief, Game Research Division
Dr. Harry W. Everhart, Chief, Fisheries Division
William Mincher, Chief, Information and Education Division

A transcript of the testimony of each of these officials of the department detailing the operation of their various sections is available from the Legislative Finance Office. The expenditures for each type of activity, personnel, capital expenditures and other aspects of the operation of the department were discussed in detail.

The committee feels that the department has done an excellent job within the funds available and that the state can be proud of the efforts of the department to carry out its duties. The testimony revealed the usual difficulties that any government

agency has in budgeting and spending effectively and efficiently, however, there was no indication of any waste or ineffective spending of funds. The committee feels that the department should be commended for what it has been able to accomplish over the years and has no changes to recommend in the area of the administrative budget, as it relates to the present activities of the department.

CONSERVATION PRACTICES

The committee was directed to "evaluate the conservation practices of the department". This is one of the most significant problems facing the department and the state but it should be realized that the conservation program is to a large extent dependent on sufficient funds. The committee recommends that the state would benefit from:

1. A moose season on a limited conservation basis. The season should be closely aligned with a research program by the department. Disease in moose has been a problem for many years and insufficient research has been done. The committee feels that agreement could be reached on the maximum number of moose to be taken in a special season and that samples from the animal for research purposes could be required to be sent to the department. A well considered program could have the double affect of offering a moose season in the state and providing needed information.
2. The use of a deadly poison Sodium Arsenite for agricultural purposes should be banned in Maine. The use of sodium arsenite has lead to the death of both wild and domestic animals. This is unnecessary

since acceptable substitutes are available for agricultural use. The committee also notes that sodium arsenite is banned in some other areas.

3. The committee cannot too strongly stress the need for ever greater emphasis on conservation in all aspects of the development of policy by the department. Accelerated development of fishways, stream restoration, research on lack of winter feed as a game killer, better waterfowl management, development of better techniques for inventory of game species and other programs closely allied to preservation, understanding and improvement of Maine's great fish and game resource should be among the department's most important goals.
4. The committee is greatly concerned with the depletion of the deer herd, particularly in certain areas of the state. While research and conservation practices may help to solve the problem, legislative consideration should be given to:
 - A. A shorter deer season
 - B. Restricting part of the present season to the shooting of bucks only. This practice is followed in some other states.
5. Take a new look at the present system of bounties on predatory animals. The bounties should be determined strictly from a conservation viewpoint. The financial aspect of paying the bounties with department funds should not be a factor in setting bounty policy. For this reason bounties should be paid from the General Fund.
6. A study should be made on the present status and degree of enforcement of laws on dogs.

BOATING LAWS

The committee was directed to examine the "desirability of providing for the enforcement of the boating laws on inland waters by the warden service."

The size of the problem of enforcing the boating laws is indicated by the fact that Maine now has some 40,000 registered boats with motors over ten horsepower. It is estimated that about 33,400 of these are outboard motors and the remainder inboards. About 82% are used chiefly for recreation while the remainder are commercial. The experience of the last ten years in Maine and the nation indicates that this is a rapidly expanding area of recreation interest with more boats and larger motors being sold each year. There is no sign that the boating boom will slack off in the foreseeable future and this is certainly to Maine's advantage as a recreation state.

However, from the standpoint of the Department of Inland Fisheries and Game the committee is concerned about several points:

1. While the enforcement of boating safety laws in the operation of boats and inspection for safety equipment is an important part of the success of the entire boating program, it charges the fish and game wardens with duties in an entire new area that has little direct connection with hunting, fishing and conservation. There is at the present time no other state agency to handle the problem of boating law enforcement so the committee recommends that, at least for the present, these duties remain with the department wardens.

2. The rapid growth of boating, and particularly such associated forms of recreation as water skiing, could lead to a disproportionate amount of a warden's time being spent to enforce the boating laws. It is also possible that his area of assignment for the best enforcement of the fish and game laws may not coincide with what would be an ideal area of enforcement or time schedule for boating law enforcement. The committee recommends that these aspects of the problem of having wardens enforce the boating law be continually examined, keeping in mind that other states, such as New Hampshire, make separate provisions for boating law enforcement.
3. While a portion of the funds coming into the Watercraft and Safety Bureau are turned over to the Inland Fisheries and Game Department, these funds may not be in proportion to the time demands placed on the warden service. The committee recommends that all the money used for inland boating law enforcement should come from boating licenses and should not represent a siphoning off of a portion of the income from fish and game licenses to enforce boating regulations.
4. The primary concern of the warden service is to enforce the fish and game laws. This type of law enforcement should not be downgraded to achieve proper boating law enforcement. If it is not possible to do both satisfactorily, whether it be throughout the state or in some particular and more heavily populated areas, it should be so reported by the chief of the Warden Service.

DEPARTMENT ENGINEERING COSTS

The committee was directed to examine the engineering costs of the department to determine if too large a staff was being maintained and if there was too little work being let out for competitive bidding.

The Engineering Division of the department works primarily on smaller projects such as the hatchery at Phillips where the original cost estimate was \$20,000. The division is also called on to survey, estimate and design various other types of projects. One of the division's largest projects in recent years was the \$167,000 fishway at Woodland.

The committee recommends that the present small engineering staff be retained since it is necessary to the department for repair and maintenance as well as design of smaller projects. The committee feels that the size and type of project undertaken by the Engineering Division in recent years is entirely in keeping with work that can and should be done within the department.

HATCHERY PROGRAM

The committee was directed to evaluate the amount and sufficiency of funds spent on the hatchery program.

The Hatchery Division employs 33 men who are in charge of the hatcheries and feeding stations. This division carries on the stocking program for all species. About 300,000 fish are stocked in the "put and take" program in Maine in 873 waters and this is done entirely with state funds. The division also assists in the federal program of stocking salmon.

1. The committee feels that the present program, through no fault of the department, is inadequate and should be expanded in line with the already outlined report on "Fishery Needs" for the 1966-1976 decade.

Additional funds for the expansion of this program should be provided for by the state, drawing on the General Fund instead of dedicated revenues, if necessary. Full use should be made of federal money available through the Anadromous Fisheries Act. The importance of the expansion of this program to Maine economically has already been explained.

INFORMATION AND EDUCATION

The committee was directed to examine the funds spent by the department for information and education and judge whether or not this expense was justified and whether or not some of these functions should be turned over to the Department of Economic Development.

About \$73,000 a year is budgeted for the Information and Education Division although there will be some change in this total due to making the Maine Fish and Game magazine a quarterly publication. It is expected that some of the costs will be paid for by subscription receipts. The division is not concerned with "promotional" work such as that aimed at attracting out-of-state visitors to Maine. This is presently handled by the DED. The principal job of the division is informing the public on such matters as changes in seasons, regulations, the reasons for department activities, in improving hunting safety and in conservation education.

1. The committee recommends that the Information and Education program be continued at approximately its present level and that it remain restricted to the areas of public information on department activities, conservation and hunting safety.

WARDEN SERVICE

The final subject assigned the committee was "Whether, to avoid possible political implications, the warden service should be removed from the jurisdiction of the commissioner."

At a public hearing held on this subject there were no advocates of removing the warden service from under the jurisdiction of the commissioner. The committee recognizes that any system of organization of the warden service has the possibility of being misused by the officials in charge of the system, whether or not it is under the jurisdiction of the commissioner. The committee feels that the warden service has done an effective job of enforcing the fish and game laws in Maine and in many cases individual wardens have shown the seriousness with which they take their work and their devotion to law enforcement and the conservation of Maine's fish and game resources.

1. It is recommended that the organization of the Warden Service remain as it is presently constituted. The goal of the warden service is proper law enforcement regardless of the persons involved. No political use should be made by officials in charge of the Warden Service of the service, or any actions taken directly or indirectly by the officials that would hinder proper law enforcement by the wardens. Department regulation 6B of the Code for the Inland Warden Service should continue to be strictly adhered to: "Members of the Warden Service shall not engage in any political activities of any nature, except in the exercise of their personal rights of suffrage."

APPENDICES

A - Adadromous Fisheries Act

B - Sources

C - Legislative Order



Public Law 89-304
89th Congress, H. R. 23
October 30, 1965

An Act

79 STAT. 1125

To authorize the Secretary of the Interior to initiate with the several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of conserving, developing, and enhancing within the several States the anadromous fishery resources of the Nation that are subject to depletion from water resources developments and other causes, or with respect to which the United States has made conservation commitments by international agreements, and for the purpose of conserving, developing, and enhancing the fish in the Great Lakes that ascend streams to spawn, the Secretary of the Interior is authorized to enter into cooperative agreements with one or more States, acting jointly or severally, that are concerned with the development, conservation, and enhancement of such fish, and, whenever he deems it appropriate, with other non-Federal interests. Such agreements shall describe (1) the actions to be taken by the Secretary and the cooperating parties, (2) the benefits that are expected to be derived by the States and other non-Federal interests, (3) the estimated cost of these actions, (4) the share of such costs to be borne by the Federal Government and by the States and other non-Federal interests: *Provided*, That the Federal share, including the operation and maintenance costs of any facilities constructed by the Secretary pursuant to this Act, which he annually determines to be a proper Federal cost, shall not exceed 50 per centum of such costs exclusive of the value of any Federal land involved: *Provided further*, That the non-Federal share may be in the form of real or personal property, the value of which will be determined by the Secretary, as well as money, (5) the term of the agreement, (6) the terms and conditions for disposing of any real or personal property acquired by the Secretary during or at the end of the term of the agreement, and (7) such other terms and conditions as he deems desirable.

Anadromous and Great Lakes fisheries. Conservation.

Cooperative agreement provisions with the States.

Federal and non-Federal costs.

(b) The Secretary may also enter into agreements with the States for the operation of any facilities and management and administration of any lands or interests therein acquired or facilities constructed pursuant to this Act.

Management functions.

SEC. 2. The Secretary, in accordance with any agreements entered into pursuant to section 1(a) of this Act, is authorized (1) to conduct such investigations, engineering and biological surveys, and research as may be desirable to carry out the program; (2) to carry out stream clearance activities; (3) to construct, install, maintain, and operate devices and structures for the improvement of feeding and spawning conditions, for the protection of fishery resources, and for facilitating the free migration of the fish; (4) to construct, operate, and maintain fish hatcheries wherever necessary to accomplish the purposes of this Act; (5) to conduct such studies and make such recommendations as the Secretary determines to be appropriate regarding the development and management of any stream or other body of water for the conservation and enhancement of anadromous fishery resources and the fish in the Great Lakes that ascend streams to spawn: *Provided*, That the reports on such studies and the recommendations of the Secretary shall be transmitted to the States, the Congress, and the Federal water resources construction agencies for their information: *Provided further*, That this Act shall not be construed as authorizing the formulation or construction of water resources projects, except

Investigations, surveys, studies, etc.

Reports to States, Congress and others.

that water resources projects which are determined by the Secretary to be needed solely for the conservation, protection, and enhancement of such fish may be planned and constructed by the Bureau of Reclamation in its currently authorized geographic area of responsibility, or by the Corps of Engineers, or by the Department of Agriculture, or by the States, with funds made available by the Secretary under this Act and subject to the cost-sharing and appropriations provisions of this Act; (6) to acquire lands or interests therein by purchase, lease, donation, or exchange for acquired lands or public lands under his jurisdiction which he finds suitable for disposition: *Provided*, That the lands or interests therein so exchanged shall involve approximately equal values, as determined by the Secretary: *Provided further*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged; (7) to accept donations of funds and to use such funds to acquire or manage lands or interests therein; and (8) to administer such lands or interests therein for the purposes of this Act. Title to lands or interests therein acquired pursuant to this Act shall be in the United States.

SEC. 3. Activities authorized by this Act to be performed on lands administered by other Federal departments or agencies shall be carried out only with the prior approval of such departments or agencies.

Appropriations.

SEC. 4. (a) There is authorized to be appropriated for the period ending on June 30, 1970, not to exceed \$25,000,000 to carry out the purposes of this Act.

(b) Not more than \$1,000,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.

SEC. 5. This Act shall not be construed to affect, modify, or apply to the same area as the provisions of the Act of May 11, 1938 (52 Stat. 345), as amended (16 U.S.C. 755-757).

Recommendations
to HEW.
60 Stat 1081.

SEC. 6. The Secretary of the Interior shall, on the basis of studies carried out pursuant to this Act and section 5 of the Fish and Wildlife Coordination Act (48 Stat. 402), as amended (16 U.S.C. 665), make recommendations to the Secretary of Health, Education, and Welfare concerning the elimination or reduction of polluting substances detrimental to fish and wildlife in interstate or navigable waters or the tributaries thereof. Such recommendations and any enforcement measures initiated pursuant thereto by the Secretary of Health, Education, and Welfare shall be designed to enhance the quality of such waters, and shall take into consideration all other legitimate uses of such waters.

Approved October 30, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1007 (Comm. on Merchant Marine & Fisheries).

SENATE REPORT No. 860 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 111 (1965):

Sept. 20: Considered and passed House.

Oct. 13: Considered and passed Senate, amended.

Oct. 14: House concurred in Senate amendments.

SOURCES

1. Facts About Maine, The Offer of the Pine Tree State, Maine Department of Economic Development 1966.
2. National Survey of Fishing and Hunting, U. S. Department of the Interior, Fish and Wildlife Service, 1955.
3. National Survey of Fishing and Hunting, U. S. Department of the Interior, Fish and Wildlife Service, 1960.
4. Survey of 1964 Maine Hunting License Holders, John D. Gill, Maine Department of Inland Fisheries and Game, 1965. (As quoted in Maine Fish and Game, Winter 1965-66)
5. State of Maine, Inland Fish and Game Department, Financial Report, July 1, 1965 - June 30, 1966.
6. The Timber Resources of Maine, A Report of the Forest Survey Made by the U. S. Forest Service, U. S. Department of Agriculture 1960.
7. 102nd Legislature, Interim Study Committee, Inland Fisheries and Game, Transcript of Public Hearing, August 25, 1965.
8. Earmarked State Taxes, Tax Foundation, N. Y. , 1965.
9. Fishery Needs, Fishery Division, Maine Department of Inland Fisheries and Game. 1966-1967
10. State of Maine Department of Inland Fisheries and Game Code for the Inland Warden Service.

STATE OF MAINE

In Senate June 2, 1965

Ordered, the House concurring, that there is created an Interim Joint Committee to consist of 3 Senators, to be appointed by the President of the Senate, and 3 Representatives, to be appointed by the Speaker of the House of Representatives, to study the policy, functions and activities of the Department of Inland Fisheries and Game for determining necessary and possible improvements in its operations; such study to include, but not be limited to, the necessity for providing a dedicated revenue for departmental operation, a review of the administrative budget as against the functions and activities of the department, evaluation of the conservation practices of the department, the desirability of providing for the enforcement of the boating laws on inland waters by the warden service, engineering costs of the department versus contractual bidding, evaluation and determination of the sufficiency of funds spent on the hatchery program, whether funds spent for promotion and education by the department is justified or whether these activities should be handled by the Department of Economic Development and Maine Publicity Bureau, and whether, to avoid possible political implications, the warden service should be removed from the jurisdiction of the commissioner; and be it further

ORDERED, that the members of the committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Appropriation; and be it further

ORDERED, that the committee shall have the authority to employ professional and clerical assistance within the limit of funds provided; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations to a special session of the 102nd Legislature or to the 103rd Legislature; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$3,000 to carry out the purposes of this Order.

(Manuel)

NAME: /s/ Glen H. Manuel

COUNTY: Aroostook