

**Annual List of Rule-Making Activity**  
**Rules Adopted January 1, 2014 to December 31, 2014**  
*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §§ 12952, 12953  
**Chapter number/title:** **Ch. 20**, Taxidermy License  
**Filing number:** **2014-019**  
**Effective date:** 2/18/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To create a minimal testing process for taxidermists who wish to create European skull type mounts, a specific preparation process and product that differs from ordinary taxidermist work.

The second part of the rule change is to have a way for Law Enforcement to be able to hold a person whose taxidermist license is revoked, suspended or expired to return all specimens back to the rightful owner immediately after the license is no longer valid.

**Basis statement:**

It was brought to the Department's attention that there were businesses out there that did what was called the "European style" mount, which was a process they went through either using bleach or beetles to clean skulls. The Department was contacted by a couple of licensed taxidermists to file a complaint that people doing that style of mount did not have to have a license. After review, the definition indicated any type of mounting for purposes of mounting. The Department had issued a letter to the two major businesses indicating that as long as that was the only type of business that they did, they did not need a license. After further review, part of the reason we licensed taxidermists was to ensure the public was getting a good quality product. It made sense that they should also follow those guidelines. The two businesses were contacted and they indicated they would have no problem getting licensed if we made that a requirement. The taxidermy board was reconvened and "skull and bone" type mounts was worked into the current structure of taxidermy. The testing process would not be as intense. The rule incorporates that style of taxidermy into our process so that they will become licensed just like all other companies that were providing services.

The second part of the change in the rule would give law enforcement the authority to be able to hold a person whose taxidermist license is revoked, suspended or expired to return all specimens back to the rightful owner immediately after the license is no longer valid. Previously, there was no violation if a licensed taxidermist did not return the specimens to their client(s). This is the department's initiative based on many complaints surrounding a few taxidermists who went out of business and never returned the specimens back to their rightful owners.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §10104  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping: **4.08**, Falconry  
**Filing number:** **2014-057**  
**Effective date:** 3/31/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

For the past four years, the Maine Department of Inland Fisheries and Wildlife has received a yearly allocation of two northern passage peregrine falcons that may be trapped by Maine resident Master falconers. The current falconry regulations stated that only those falconers that had not received a passage peregrine permit within the prior two years could apply. The Department amended the rule to remove the two-year waiting period after having obtained a permit and also modified the selection process to ensure that applicants who have not before received a passage peregrine take permit are able to do so.

**Basis statement:**

For the past four years, the Maine Department of Inland Fisheries and Wildlife has received a yearly allocation of two northern passage peregrine falcons that may be trapped by Maine resident master falconers. The current falconry regulations stated that only those falconers that had not received a passage peregrine permit within the prior two years could apply. Because of the very limited number of master falconers in Maine who applied for a take permit, only two applications were received for the two permits during each of the past three years. The Department received a request from the falconers stating this regulation was no longer needed and was unnecessarily limiting the number of falconers that could apply for a permit. The Department needed to assure that we would always have enough applicants to utilize Maine's yearly allocation of permits or we may forfeit the two falcon allocation assigned Maine by the U.S. Fish and Wildlife Service. The Maine Falconry and Raptor Conservancy requested that (1) the two-year wait limitation be stricken from the falconry regulations and that (2) favor be given to qualified applicants that had not previously received a take permit in order to assure that all applicants eventually obtain a permit.

The Department agreed with the falconers request and made the proposed changes. One addition to the language was made from the original proposal in paragraph #5, "First time" was added on line #4 because the intention of the change was to give first time applicants (not all applicants who weren't chosen) a numerical advantage in the following years drawing.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §11551  
**Chapter number/title:** **Ch. 4, Hunting and Trapping: 4.05, Moose Hunting**  
**Filing number:** **2014-095**  
**Effective date:** 5/21/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule is being adopted to establish the number of moose hunting permits to be issued for each Wildlife Management District for the 2014 season. It will also clarify the rule regarding the wearing of hunter orange when hunting moose with a firearm.

**Basis statement:**

This rule is being adopted to establish the number of moose hunting permits to be issued for each Wildlife Management District (WMD) for the 2014 season. This adopted rule will also clarify the portion of the rule as it pertains to the wearing of hunter orange in WMDs open to moose hunting. The original rule listed specific WMDs that required one article of hunter orange clothing when hunting moose. As WMDs change annually for moose hunting permits, and if Section D of the rule was not updated, wardens may be unable to issue a summons for anyone in violation. Specific WMDs were removed and the language modified to show that any person who hunts with a firearm within any WMD open to moose hunting during the open season on moose shall wear an article of solid-colored hunter orange clothing.

No public hearing was held on the proposal, but several public comments were received. One comment was received from a member of the Maine Warden Service suggesting language be added to Section D to show the hunter orange requirements when hunting moose in WMDs open to moose hunting during the firearms season on deer.

Other public comments received included 8 comments specific to WMD 7 and concerns with the number of antlerless moose permits being issued in the district; comments for WMD 4 were mixed with one requesting an increase in bull permits and another expressing concern for too many permits being issued; an online petition was also initiated through "Change.org" regarding permit numbers in WMDs 4, 8 and 9. This was an email blast as such with 343 supporters at the close of the petition. Copies of comments are attached.

The Department also initiated a moose study this winter with the capture and radio-collaring of 30 adult moose and 30 calves. Results from this study gave quantified rates of loss for moose in WMD 8. This coincided with an apparent winter tick epizootic. Also, given the winter/spring adult cow mortality Department biologists recommended a reduction in antlerless moose permits in several WMDs. A copy of the recommendations made by the biologists is attached.

The Commissioner modified the original proposal and reduced antlerless permit in WMDs 1, 2, 3, 4, 5, 7, 8, 12 and 13. This reduced the total number of permits being issued from the original proposal of 4085 by 990 down to 3095. Language was also added to show the hunter orange requirements when hunting moose in WMDs open to moose hunting during the firearms season on deer.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §10103-2  
**Chapter number/title:** **Ch. 15**, Interstate Wildlife Violators Compact  
**Filing number:** **2014-096**  
**Effective date:** 5/21/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Department, in accordance with 12 MRSA §10103-2, has adopted a rule to enter into an Interstate Wildlife Violators Compact (WVC) to promote compliance with Maine's fish and wildlife laws. The WVC will ensure that non-residents from member states receive the same penalties as a resident for certain mandatory violations. Procedures of the compact ensure that non-residents of a WVC state that fail to comply with the terms of their citations face the possibility of suspension of his/her license privileges in their home state until the terms of their citation(s) are met. This reciprocal recognition of license suspensions by participating states is based on whether the violation in a member state would also dictate a mandatory license suspension pursuant to statutes of the home state. Participation in the compact is voluntary and a member state can withdraw at any time.

**Basis statement:**

This rule has been adopted in accordance with 12MRSA ch. 903 §10103-2, which grants the Commissioner authority to enter into an interstate wildlife violator's compact to promote compliance with Maine's fish and wildlife laws. The Interstate Wildlife Violators Compact (WVC) assures that non-residents receiving citations for wildlife and fisheries violations receive the same treatment accorded to residents. Procedures of the compact ensure that non-residents of a WVC state that fail to comply with the terms of their citations face the possibility of suspension of his/her license privileges in their home state until the terms of their citation(s) are met. This reciprocal recognition of license suspensions by participating states is based on whether the violation in a member state would also dictate a mandatory license suspension pursuant to statutes of the home state. This is necessary due to the mobility of many wildlife and fisheries violators. Participation in the compact promotes and requires interstate cooperation and communication in order to protect and manage our wildlife and fisheries populations for the benefit of Maine's residents and visitors who enjoy our valuable natural resources. The provisions of the compact parallel similar compacts related to operator license suspensions. There are no costs associated with joining the compact or utilizing the centralized database. Only minimal costs for mailing and training shall be incurred, as well as staff time which can be absorbed with the current resources. Participation into the Compact is voluntary and a member state can withdraw at any time.

Participation in the compact will be monitored by the Commissioner's designee. Currently that designee, titled compact administrator shall be the Major from the Bureau of the Maine Warden Service. These duties will be part of the Game Warden Major's responsibilities which fall in line with the current State of Maine fish and wildlife license revocation process. This rule will ensure that non-residents from member states receive the same treatment as a resident for certain mandatory violations. It increases the efficiency of Game Wardens by allowing more time for enforcement duties rather than the administrative duties of trying to address non-residents who fail to appear in court or take care of outstanding legal obligations to the state of Maine. The WVC holds poachers more responsible for their illegal activities regardless of their resident state by affecting their privileges in their

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home state as well as Maine. Revocations support voluntary compliance goals of the Warden Service by providing a deterrent for would be violators to violate the State of Maine's fisheries and wildlife laws. The State of Maine regulates which suspensions we will honor, not the WVC, by basing all reciprocal suspensions on whether or not it meets the mandatory suspension guidelines in Maine as defined in statute.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §12461  
**Chapter number/title:** **Ch. 1-A**, State Heritage Fish Waters (*New*)  
**Filing number:** **2014-121**  
**Effective date:** 6/23/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To adopt a list of state heritage fish waters as required by statute. The Eastern brook trout and Arctic Charr are designated as State Heritage Fish in Title 1 §212-A.

**Basis statement:**

In 2005 the Eastern brook trout and Arctic Charr were designated as the State Heritage fish in Title 1. There was also a law implemented at the same time that required us to create a list of Eastern brook trout waters where stocking had never occurred. That became the A list of heritage fish waters. What became known as the B list were waters that were under consideration at the time and after review, there were records indicating that they had been stocked and that became the B list. The Department put the A list in place, and with that A list designation came a prohibition on stocking. The criteria established for the B list was that they hadn't been stocked, according to reliable records, in 25 years.

During the 126<sup>th</sup> Legislature, the rules were overturned and the Department was asked to come back with a plan for the B list waters and we had a working group reviewing the list and the process. In working on the report back to the Legislature, it became clear it was a complicated procedure. After working through the legislative process, the Legislature made some amendments to 12 MRSA §12461 sub- §1, and deemed the list be a routine technical rule.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §10104  
**Chapter number/title:** **Ch. 1**, Open Water and Ice Fishing Regulations (Fish River Excluding Throughfares)  
**Filing number:** **2014-122**  
**Effective date:** 6/23/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Department of Inland Fisheries and Wildlife is amending current fishing regulations on a portion of the Fish River from the Fish River Falls in Fort Kent downstream to the St. John River removing the S-6 and S-16 special codes from that section to reverse a recent rule change.

**Basis statement:**

The adopted rule will make changes on the Fish River from Ft. Kent down to St. John and will reverse the recent regulation change that prohibited fishing with worms. The Department had anticipated including the proposal in our next rule-making package, but there was interest from the public requesting the change go into effect earlier. This was something the Department was ready to move forward with so the proposal was put forth separately from the annual fishing regulations rule-making packet.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §§ 10104, 11551  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping: **4.05**, Moose Hunting (**K**. Open and Closed Season)  
**Filing number:** **2014-123**  
**Effective date:** 6/23/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rule makes modifications to the number of permits issued for the controlled moose hunt in Aroostook County. The total number of permits available will be reduced from 50 to 25 and all 25 permits will be issued to disabled veteran hunters. Permits will no longer be issued to qualifying landowners or eligible registered Maine guides. The purpose of this hunt is to reduce moose numbers in areas where they are causing damage to crops, particularly broccoli fields.

**Basis statement:**

This rule renews the dates for a controlled moose hunt in designated areas in Aroostook County that will be open to the hunting of moose by permit only during a specified period between August 15 and December 31. Each permit will specify the number and sex of moose to be taken, the timing of the hunt, and any other special conditions deemed necessary.

Previously, there were 3 categories of permits issued, guides, landowners and veterans. Permits had been adjusted through the years to address changes in terms of the locations and the numbers of permits in relation to the numbers of moose in the area. Staff and others involved with the hunt met to review the 2013 hunt and felt that in 2014 permits should be reduced to 25 and issued all to veterans. The veterans overall had a very high success rate and worked very well with the landowners. The purpose of the controlled hunt is to reduce moose numbers in specific areas where they are causing crop damage.

A complete repeal and replace of the current rule also provides for changes made to the definition of "disabled veteran" that took place during the 126th Legislature (Public Law 2013 ch. 404).

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §§ 10104, 11855  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping: **4.02**, Migratory Birds (**B**. Seasons, Daily Bag Limits, Possession Limits and Shooting Hours for Migratory Game Bird)  
**Filing number:** **2014-198**  
**Effective date:** 8/25/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To implement the *Federal Migratory Bird Treaty Act* which establishes the general guidelines within which the States are permitted to regulate the hunting of migratory game birds.

**Basis statement:**

These rules are adopted for the purpose of implementing the *Federal Migratory Bird Treaty Act*, which establishes the general guidelines within which the States are permitted to regulate the hunting of migratory game birds. The policy behind the Federal Act and, therefore, behind these rules, is to protect the migratory game birds from over-harvest by hunters.

A public hearing was held on August 14, 2014 with 20 citizens in attendance, including members of the Waterfowl Advisory Council. The Department presented the proposal and stated there were a couple of slight changes from the original proposal. Federal guidelines that were late in coming would allow daily bag and possession limits for Canada geese during the regular goose season to increase to 3 per day, with a possession limit of 9. Due to an error made when formulating the proposal, Biologist Kelsey Sullivan stated the Special Falconry Season dates were also being modified in the North Zone from December 12, 2014 through February 2, 2015 to December 15, 2014 through February 4, 2015.

After the Department's presentation the Commissioner opened the hearing to public comments. A total of three members of the public spoke at the hearing. Two stated they were in favor of the increase in the daily bag limit for geese and one question was asked regarding the reason behind the increase, if it was due to an increase in the population or more local geese staying around. Kelsey Sullivan answered the question stating there was an overall increase in geese in the North Atlantic flyway population.

After the public hearing was adjourned, Department staff met with Waterfowl Council members present at the meeting to discuss the comments that were received. With a majority vote, the Council recommended the proposal move forward as presented with the increases for Canada geese and the date change for the special falconry season. No other changes were made from the original proposal.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §11152  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping: **4.03**, Deer Hunting Seasons  
(**C.** Special Deer Hunting Districts)  
**Filing number:** **2014-199**  
**Effective date:** 8/25/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To establish antlerless deer permit allocations for each of the 29 Wildlife Management Districts (WMDs) for the 2014 deer hunting season. Any-deer permits are adjusted by MDIFW on an annual basis in response to deer population estimates and population goals in each WMD. An overall reduction of 9,525 any-deer permits (20%) from last year was approved. Winter severity data was analyzed and in many WMDs the doe harvest was eliminated entirely. Permit numbers were increased in WMDs 21 and 24. Coastal zones had a high deer density and less opportunity for deer hunting; population goals remain above target there. Southern Maine did not have as extensive winter conditions as in other parts of the state.

**Basis statement:**

The Department allocates any-deer permits by Wildlife Management Districts (WMDs) to limit the number of antlerless deer taken by hunters in each WMD. Allocations vary across the state, reflecting the different quality of deer habitat and potential to support and grow deer populations in each WMD.

The Wildlife Division recommended an overall reduction of 9,525 any-deer permits (20%) of the any-deer permits from last year. The winter was difficult for deer and they were vulnerable to snow depth for extended periods of time. In years that we had extended periods of high snow depth we expected our winter kill to increase and that was the situation we found ourselves in this year. Winter severity data was analyzed and in many WMDs the doe harvest was eliminated entirely. WMDs 21 and 24, we did increase permits. Those were the southern Maine, coastal zones where we had a high deer density and there was less opportunity for deer hunting so our population remained above target there. Southern Maine also did not have as extensive winter conditions as in other parts of the state.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §§ 12909, 12913  
**Chapter number/title:** **Ch. 14**, Commercial Whitewater Rafting  
**Filing number:** **2014-200**  
**Effective date:** 8/25/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rule will create greater flexibility in the training of whitewater guides. Previously, the rule did not allow a new guide to receive training on the river that they would be based on in order to receive a license. Elimination of Sunday allocations had been expressed by whitewater companies as they are no longer viable and have shown a continual decline in the 5 year review.

**Basis statement:**

This rule makes modifications to the whitewater rafting rules regarding allocated days, days when companies had to have an allocation to run on the river. Elimination of Sunday allocations had been expressed by whitewater companies as they are no longer viable and have shown a continual decline in the 5 year review.

Amendments were also made to the training requirements. Previously, if a company only ran on the Penobscot River the rule required they do a fair amount of training on the Kennebec as well which really didn't make sense. With the rule change the focus on river training could take place on the Kennebec or on the Penobscot River. The rule will create an "either or" situation and result in a better trained whitewater guide.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §11701  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping: **4.06(2)**, Wild Turkey Fall Season  
**Filing number:** **2014-201**  
**Effective date:** 8/25/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

In an effort to increase hunting opportunity the Department is expanding the annual fall hunting season on wild turkeys by adding Wildlife Management Districts 10, 11 and 19.

**Basis statement:**

Based on an assessment of the wild turkey population in WMDs 10, 11 and 19, along with interest from the public, the Department proposed to open these districts to turkey hunting in the fall with a 1 bird bag limit. The conservative approach of a 1 bird limit will allow for assessment of the fall hunt in these WMDs that have not had a fall season in the past. Adding the WMDs will also increase hunting opportunity in those areas. The current allowable methods of hunting during the fall season would apply.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §§ 10104, 11855  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping: **4.02(B.5)**, Migratory Birds, Seasons, Daily Bag Limits, Possession Limits, and Shooting Hours for Migratory Game Birds (Crows)  
**Filing number:** **2014-202**  
**Effective date:** 8/26/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule will set the 2015 – 2016 crow hunting season dates and avoids overlap with the regular waterfowl season allowing for the maximum 124 days allowed by the USFWS for the crow hunting season.

**Basis statement:**

This rule will set the 2015 – 2016 crow hunting season dates and avoids overlap with the regular waterfowl season allowing for the maximum 124 days allowed by the USFWS for the crow hunting season.

No public hearing was held on the proposal. Although the Department was not proposing any changes to the rule other than setting season dates to reflect the 2015 and 2016 calendars, news articles were published portraying this as a “new” season. Some members of the public that were not aware of Maine’s crow hunting history commented on the proposal. Total written comments received were 8 asking questions, 19 in favor of the proposal and 197 in opposition to the “new” crow season. Comments were responded to and information provided regarding Maine’s long standing hunt.

Data regarding the crow population was presented to the Advisory Council at their meeting held on June 14, 2014 in Presque Isle. The Council felt the comments coming in from the public were not based on science, and one member stated that a response from the Department should be placed in the *Portland Press Herald*.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §§ 10104, 11401, 11551  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping: Upland Game and Furbearing Animals: G., Open Season for the Hunting and Trapping of Furbearing Animals: 1., Beaver Trapping. 2-B, Early Muskrat Trapping Season in WMD's 1, 2, 3, 4, 5, 6, 8, 10, 11; Deer Hunting Seasons: A 2, Muzzleloading Season; Moose Hunting Season: D., Restrictions  
**Filing number:** **2014-233**  
**Effective date:** 10/4/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To establish beaver trapping season dates and individual township openings and closings for the beaver trapping season. The rule also corrects errors in the WMDs open for trapping during the early muskrat season, remove an obsolete WMD from the muzzle loading season and add crossbows to the hunter orange requirement when moose hunting.

**Basis statement:**

These rules amend the annual beaver trapping season dates and replace the 2013-2014 beaver trapping closures for the 2014-2015 beaver trapping season. Certain areas of the State are closed to beaver trapping at the request of landowners, who, for various reasons, do not wish to see the beaver removed from their property. Descriptions of closed areas have been clarified through the use of the names of specific lakes, brooks, rivers and streams whenever possible. There was no public hearing held on the proposal.

These rules are adopted in order to maintain beaver populations as per the Department's beaver management system. Again for the 2014-2015 season the desired objective is to increase the number of beaver harvested and reduce the number of nuisance beaver complaints. A minor modification from the original proposal was the amendment of property in Porter (WMD 15) from the areas closed for beaver trapping. This modification came at the recommendation of Department staff after discussions with the landowner. An inquiry was made and followed up on requesting a less restrictive closure so that Bickford Pond would no longer be closed. No additional public comments were received.

The proposal also contained other modifications to Ch. 4. WMD 8 was removed and WMD 9 added to the early muskrat trapping season, a housekeeping item that was overlooked in 2013. Also WMD 29 was added to the WMDs open for muzzleloading season to replace the now obsolete WMD 30, and crossbows were added to the hunter orange requirement when hunting moose in any WMD open to moose hunting.

At a meeting held on September 24, 2014 the participating Advisory Council members, 5 in person and 2 participating by teleconference, voted unanimously to accept the proposal as amended.

**Fiscal impact of rule:**

No adverse economic impact anticipated.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §§ 10104, 12461  
**Chapter number/title:** **Ch. 1**, Open Water and Ice Fishing Regulations  
**Ch. 1-A**, State Heritage Fish Waters  
**Filing number:** **2014-257, 258**  
**Effective date:** Ch. 1: 1/1/2015. Ch. 1-A: October 13, 2014.  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

These rules are designed to provide for the effective conservation of game fish throughout the state, and provide for a variety of fishing opportunities. The rules set specific season dates, bag limits, length limits, taking restrictions and other special regulations designed to accomplish fisheries management objectives.

**Basis statement:**

The Department of Inland Fisheries and Wildlife has adopted rules pertaining to the 2015 ice fishing and open water seasons and made additions to the State Heritage Fish Waters list.

These rules are necessary for the sound management and proper utilization of the State's inland fishery resource; this is, to provide for the fullest level of use of the resource without adversely affecting species distribution and abundance, thus ensuring that all benefits, including economic, are retained.

These rules were initiated through Department field personnel. The regulation changes were advertised with 4 public hearings held in Fort Kent, Greenville, Princeton and Auburn (minutes attached). The Department also received 51 comments in writing both for and against various proposals. The bulk of the written comments were regarding the Webster Stream proposal with 17 in favor and 17 against. The Beech Hill Pond proposal received 5 written comments with 4 in favor of closing the pond to smelting and 1 comment neither for nor against. The Department acknowledged all written comments and they were forwarded to the Advisory Council and Department staff for review.

The Department did put forth an amendment to the original proposal and removed Mountain Catcher Pond, which is a Maine Indian Tribal State Commission (MITSC) water (see attached). In addition to that, the Advisory Council at their September 24, 2014 meeting voted to discuss two of the proposals before voting on the entire package. The Webster Stream (Telos Cut) in Piscataquis County and St. Froid Lake in Aroostook County were discussed separately by the Council. Regarding the Telos Cut proposal there was concern from the Council as to why the Department had brought the proposal forward after having modified the regulations there during the last round of fisheries rule-making. The Council voted 6 in opposition and 1 in favor to moving forward with the rule-making packet if this proposal was left in. Regarding St. Froid Lake there was concern about allowing the take of whitefish there when this was a species of concern. The biologist there had been working on a project to bolster the whitefish population in St. Froid Lake, but the project did not produce the number and size of fish the Department had hoped. The Department felt the public should be given the opportunity to fish for those stocked fish as the Department would no longer be stocking whitefish there. The Council voted 4 in favor and 3 opposed to leave the proposal in the rule-making packet.

On September 24, 2014 the Council voted 6 in favor and 1 opposed to adopt the fishing regulations package for 2015 as amended with the proposals for Webster Stream in Piscataquis County and Mountain Catcher Pond in Penobscot County removed. Copies of the

**Annual List of Rule-Making Activity**  
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*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

publication will be available from license agents, on the Department's website or from the Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, ME 04333-0041.

This body of rules is printed in its entirety in the Department's publication entitled *Open Water & Ice Fishing Laws and Rules* booklet (January 1, 2015 – December 31, 2015) and by authority of Title 12 MRSA §12452, is an official consolidation of the open water and ice fishing rules as printed.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Agency name:** Department of Inland Fisheries and Wildlife  
**Umbrella-Unit:** **09-137**  
**Statutory authority:** 12 MRSA §10104  
**Chapter number/title:** **Ch. 4**, Hunting and Trapping; **4.01**, Upland Game and Furbearing Animals; **J.**, Size of Traps; **K.**, Location of and Preparation for Traps  
**Filing number:** **2014-285**  
**Effective date:** December 9, 2014.  
**Type of rule:** Routine Technical  
**Emergency rule:** Yes

**Principal reason or purpose for rule:**

The purpose of this rule is to limit some of the trap types and sizes that may accidentally capture the federally threatened Canada Lynx in Northern Maine (Wildlife Management Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 18, and 19). This rule is being promulgated to comply with Incidental Take Permit Number TE48539B-0 issued by the United States Fish and Wildlife Service on November 4, 2014 with an effective date of November 17, 2014 which requires the Department to take measures to limit the “lethal take” of Canada Lynx as described in the Department’s “2014 Final Incidental Take Plan for Maine’s Trapping Program” when take reaches the levels described in the Changed Circumstances Section of this plan.

**Basis statement:**

This emergency rule is being promulgated in order to implement regulatory measures to prevent further lynx fatalities as outlined in the Changed Circumstances Section of the Department’s “2014 Final Incidental Take Plan for Maine’s Trapping Program”. This plan was accepted by the USFWS and “Native Threatened Species Habitat Conservation Plan – T Wildlife” permit number TE48539B-0, also known as the Incidental Take Permit (ITP) was issued on November 4, 2014, with an effective date of November 17, 2014. In Changed Circumstance # 3 Trigger 2 the Department stated it would immediately implement regulatory measures to prevent further lynx fatalities when two lynx are killed in legally set traps or cannot be released after treatment of severe injuries. Because this level has been reached, and the regular trapping season is in effect and will continue until December 31, 2014 it is necessary to adopt this rule as an emergency in order to comply with the permit and to reduce the risk of the imminent threat of the take of an endangered species – notification of these changes will be made to licensed trappers upon filing.

The purpose of this rule is to limit some of the trap types and sizes that may accidentally capture the federally threatened Canada Lynx in Northern Maine (Wildlife Management Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 18, and 19). The rule imposes restrictions on the use of foothold traps by prohibiting their placement above the ground or snow level. The rule also eliminates the use of killer-type traps above the ground or snow level. The rule also eliminates the exception which previously allowed the use of killer type traps with an inside jaw spread that does not exceed 5 inches to be used in blind sets at ground or snow level.

Killer-type traps will continue to be allowed to be used when set completely underwater. Killer-type traps with an inside jaw spread that does not exceed 5 inches may be used when set as to be partially covered by water at all times or when set under overhanging stream banks. In Wildlife Management Districts 7, 14, 18, and 19 killer-type traps with a jaw spread that does not exceed 7 1/2 inches may be used on the ground level if the trap is placed within a lynx exclusion device (described in rule).

**Fiscal impact of rule:**

None anticipated.

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*Prepared by the Secretary of State, pursuant to 5 MRSA, §8053-A, sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife, **Maine Outdoor Heritage Fund Board**  
**Umbrella-Unit:** **09-585**  
**Statutory authority:** 12 MRSA §10308(5)  
**Chapter number/title:** **Ch. 25**, Maine Outdoor Heritage Fund – Strategic Plan  
**Filing number:** **2014-097**  
**Effective date:** 5/20/2014  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

To provide a six-year review of the plan. The Strategic Plan is the guiding document governing the types of projects that may be funded by the Maine Outdoor Heritage Fund.

**Basis statement:**

The Maine Outdoor Heritage Fund was established in July, 1995 through L.D. 717, *An Act to Establish the Maine Outdoor Heritage Fund*. As stated in Title 12, MRSA c. 903, §10303, "The fund is for the sole purpose of maintaining, improving and expanding state and local natural resource conservation programs and associated compatible public uses in accordance with the strategic plan provided for by section 10308, subsection 5, paragraph A." Title 12, MRSA c. 903, §10308 charges the Maine Outdoor Heritage Fund Board with adopting a strategic plan for each of the funding categories listed in §10307. As the law states, "The strategic plan must identify the priority areas for funding ... using the criteria listed in section 10309." This strategic plan is intended to fulfill the requirements of Title 12, MRSA c. 903, §10308 stated above, and to provide direction to the Board and natural resource agencies on the long-term funding priorities of the Maine Outdoor Heritage Fund.

The Maine Outdoor Heritage Fund Board will be guided by the following principles as it considers grant requests during the period of its duration, which is expected to be the next six years - through December, 2019. It will give preference to projects that most substantially accomplish one or more of these objectives:

- conserve the best of Maine's outdoor heritage and achieve outstanding natural-resource or recreational benefits;
- maximize degree and diversity of public/private partnerships or other types of matching funds; projects with a cash match of 1:3 or higher are encouraged. Funds are intended to support only project-related expenses, including salaries. Monetary match must consist of funds raised specifically for the project proposed and does not include salary costs of natural resource agency staff that are funded by the State General Fund. In-kind contributions that occur during the duration of the project will be considered matching funds. Proposals that are funded will receive funds according to a schedule determined by the Board.
- form alliances between natural resource agencies, interest groups and organizations based on shared visions and mutual responsibility; These groups and organizations could include Universities, Municipalities, Conservation Groups, other Not-for Profits, and For Profit Corporations;
- address natural resource concerns of statewide significance and/or broad geographical distribution;

**Fiscal impact of rule:**

No adverse economic impact anticipated.