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L.D. 404

2

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3

INLAND FISHERIES AND WILDLIFE

4

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5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

130TH LEGISLATURE

8

FIRST SPECIAL SESSION

9 COMMITTEE AMENDMENT “ ” to H.P. 288, L.D. 404, “An Act To Preserve
10 Deer Habitat”

11 Amend the bill by striking out everything after the enacting clause and inserting the
12 following:

13 **'Sec. 1. 5 MRSA §6203, sub-§3,** as amended by PL 2021, c. 33, §1, is further
14 amended to read:

15 **3. Fund proceeds.** The proceeds of the Land for Maine's Future Fund may be applied
16 and expended to:

17 A. Acquire property or an interest in property that is determined by the board to be of
18 state significance under the guidelines of this chapter;

19 B. When interest in land is acquired with proceeds from the Land for Maine's Future
20 Fund, fund minor capital improvements on such lands and on adjoining lands in the
21 same ownership or under the same management to improve accessibility, as long as
22 these improvements do not exceed 5% of the appraised value of the acquired property;

23 C. When interest in farmland is acquired with proceeds from the Land for Maine's
24 Future Fund, fund the development of a business plan and capital improvements to
25 provide for the land's continuing use as a working farm, as long as these improvements
26 do not exceed 5% of the appraised value of the acquired property. Capital
27 improvements under this paragraph may also be made on adjoining farmland in the
28 same ownership or under the same management; and

29 D. When land or interest in land is acquired with proceeds from the Land for Maine's
30 Future Fund, fund minor capital investments in the stewardship and management of
31 that land. Stewardship and management investments under this paragraph must be held
32 in a dedicated stewardship endowment and identified for use on the funded property.
33 Stewardship and management investments may not exceed 5% of the appraised value
34 of the acquired property; and

1 E. When land or interest in land for deer wintering areas is acquired with proceeds
2 from the Land for Maine's Future Fund pursuant to section 6207, subsection 2,
3 paragraph E, fund the development of a management plan to provide for the land's
4 continuing function as a deer wintering area, as long as the cost of the plan does not
5 exceed 5% of the appraised value of the acquired property. A management plan
6 developed under this paragraph may also apply to adjoining deer wintering areas in the
7 same ownership or under the same management.

8 **Sec. 2. 5 MRSA §6207, sub-§2**, as amended by PL 2007, c. 64, §1 and c. 353, §§1
9 to 3, is further amended to read:

10 **2. Determination of state significance.** In determining whether a proposed
11 acquisition must be funded, in full or in part, by the Land for Maine's Future Fund or the
12 Public Access to Maine Waters Fund, the board shall consider whether the site is of state
13 significance and:

- 14 A. Contains recreation lands, prime physical features of the Maine landscape, areas of
15 special scenic beauty, farmland or open space, undeveloped shorelines, significant
16 undeveloped archeological sites, wetlands, fragile mountain areas or lands with other
17 conservation, wilderness or recreation values;
- 18 B. Is habitat for plant or animal species or natural communities considered rare,
19 threatened or endangered in the State;
- 20 C. Provides nonmotorized or motorized public access to recreation opportunities or
21 those natural resources identified in this section; or
- 22 D. Provides public water supply protection when that purpose is consistent and does
23 not conflict with the natural resource conservation and recreation purposes of this
24 chapter; or
- 25 E. Contains deer wintering areas and satisfies all the requirements of subsection 3,
26 paragraph A.

27 **Sec. 3. 5 MRSA §6207, sub-§3**, as amended by PL 2011, c. 381, §1, is further
28 amended to read:

29 **3. Priorities.** Whenever possible, the Land for Maine's Future Fund and the Public
30 Access to Maine Waters Fund must be used for land acquisition projects when matching
31 funds are available from cooperating entities, as long as the proposed acquisition meets all
32 other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's
33 Future Fund, the board shall give priority to projects that conserve lands with multiple
34 outstanding resource or recreation values or a single exceptional value, conserve and
35 protect deer wintering areas, provide geographic representation and build upon or connect
36 existing holdings.

- 37 A. When evaluating projects to be funded, the board shall give a preferential
38 consideration to projects that conserve lands that have been determined by the
39 Department of Inland Fisheries and Wildlife to be important for conserving deer in
40 northern, eastern and western Maine. To be given preferential consideration under this
41 paragraph, a project must result in the acquisition of a fee interest or an easement
42 interest in the land, the department's holding the interest in the land and the
43 department's managing the land area as a wildlife management area, as defined in Title

1 12, section 10001, subsection 74, with deer conservation as the highest management
2 priority. Only projects that satisfy the requirements of this paragraph may be given
3 preferential consideration. Nothing in this paragraph limits the ability of the board to
4 use the Land for Maine's Future Fund to fund other projects that may also help
5 conserve deer or deer habitat but that do not receive preferential consideration under
6 this paragraph.

7 When acquiring land or interest in land, the board shall examine public vehicular access
8 rights to the land and, whenever possible and appropriate, acquire guaranteed public
9 vehicular access as part of the acquisition.

10 **Sec. 4. 12 MRSA §10105, sub-§14,** as amended by PL 2019, c. 355, §§2 and 3, is
11 further amended to read:

12 **14. Regulating the feeding of deer, bear, moose and wild turkey.** The
13 commissioner may by rule:

14 A. Prohibit or limit the feeding of deer, bear, moose and wild turkey at any location if
15 there is documented evidence of chronic wasting disease, as defined in Title 7, section
16 1821, subsection 1, in the State or within 50 miles of the border of the State or if the
17 commissioner has reason to believe that the type or location of feed may create a public
18 safety hazard or may have a detrimental effect on deer, bear, moose and wild turkey;
19 and

20 C. Prohibit or otherwise limit the placement of garbage or other known attractants for
21 deer, bear, moose and wild turkey if the department has reason to believe the placement
22 creates a public safety hazard; and

23 D. Prohibit or otherwise limit the feeding of deer, bear, moose and wild turkey at any
24 location as part of a plan to promote the use of deer wintering areas by deer.

25 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,
26 chapter 375, subchapter 2-A.

27 **Sec. 5. 12 MRSA §10109, sub-§1-A** is enacted to read:

28 **1-A. Acquisition of land; deer wintering areas.** The commissioner shall identify
29 areas that are important to the conservation of deer in northern, eastern and western Maine,
30 and may acquire these lands, including with funds provided by the Land for Maine's Future
31 Fund in accordance with Title 5, section 6207. These lands must be designated as wildlife
32 management areas and managed with deer conservation as the highest management
33 priority, and the commissioner shall ensure that appropriate deed restrictions are placed on
34 the land that reflect these priorities. The commissioner shall also develop appropriate
35 purchase and sale agreements that ensure that deer wintering areas on land to be acquired
36 pursuant to this subsection are preserved as deer wintering areas prior to purchase.
37 Beginning January 15, 2023 and annually thereafter, the department shall report to the joint
38 standing committee of the Legislature having jurisdiction over inland fisheries and wildlife
39 matters on the acquisition and management of deer wintering areas.

40 **Sec. 6. 12 MRSA §10264,** as amended by PL 2011, c. 668, §3, is further amended
41 to read:

42 **§10264. Maine Deer Management Fund**

The Maine Deer Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding predator control and to acquire or enhance deer habitat. The commissioner shall establish on the department's online licensing system checkoff options that allow a person to donate money for predator control or deer habitat acquisition or enhancement. The checkoff options must be prominently displayed and contain web links to information about how the checkoff revenues have been and will be used. The commissioner shall also print in a prominent place on every paper application for a hunting license checkoff options that allow a person to donate money to the fund for predator control or deer habitat acquisition or enhancement. Revenues from the checkoffs must be deposited in the fund and used for purposes indicated by the checkoffs.

Notwithstanding section 10801, subsection 4, \$2 of each deer registration fee collected under section 12301-A, subsection 3, paragraph C must be deposited in the fund. Fifty percent of the funds deposited in the fund from the deer registration fees must be used for predator control purposes and 50% of the deposited fees must be used to acquire or enhance deer habitat. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts. The department shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the fund and its utilization.

Sec. 7. New position to coordinate. The Department of Inland Fisheries and Wildlife shall determine the requirements for and cost of a new position to coordinate the acquisition and management of deer wintering areas in accordance with the requirements of this Act. The department shall examine appropriate funding sources to fund the position, including the Maine Deer Management Fund under the Maine Revised Statutes, Title 12, section 10264 and available federal funds. The department shall submit by January 15, 2022 draft legislation to the Joint Standing Committee on Inland Fisheries and Wildlife to establish and fund the position. The committee may report out a bill to establish the position to the 130th Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

34 This amendment replaces the concept draft. The amendment:

- 35 1. Establishes preferential consideration under the Land for Maine's Future program
36 for projects that conserve deer wintering areas identified by the Department of Inland
37 Fisheries and Wildlife and that satisfy other land management requirements;

38 2. Allows proceeds from the Land for Maine's Future Fund to be used for the
39 development of a management plan for a deer wintering area on lands acquired for that
40 purpose using the Land for Maine's Future Fund, as long as the cost of the plan does not
41 exceed 5% of the appraised value of the property;

42 3. Directs the Commissioner of Inland Fisheries and Wildlife to identify areas that are
43 important to the conservation of deer in northern, eastern and western Maine, and
44 authorizes the department to acquire these lands, which must be designated as wildlife

COMMITTEE AMENDMENT

1 management areas and directs the department to ensure that appropriate deed restrictions
2 are placed on the land acquired and to develop appropriate purchase and sale agreements
3 to ensure that deer wintering areas on land to be acquired is preserved as deer wintering
4 areas prior to purchase. Beginning January 15, 2023 and annually thereafter, the
5 department is required to report to the joint standing committee of the Legislature having
6 jurisdiction over inland fisheries and wildlife matters on the acquisition and management
7 of deer wintering areas;

8 4. Allows the Maine Deer Management Fund to be used to acquire deer habitat;

9 5. Authorizes the Department of Inland Fisheries and Wildlife to prohibit or limit the
10 feeding of deer, bear, moose or wild turkey as part of a plan to promote the use of deer
11 wintering areas by deer; and

12 6. Directs the Department of Inland Fisheries and Wildlife to submit by January 15,
13 2022 draft legislation to the Joint Standing Committee on Inland Fisheries and Wildlife to
14 establish and fund a position to coordinate the acquisition and management of deer
15 wintering areas.