

127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1593

H.P. 1083

House of Representatives, February 18, 2016

An Act To Establish a Contingency Wildlife Management Plan

Reported by Representative DUCHESNE of Hudson for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order 2015, H.P. 976.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed pursuant to Joint Rule 218.

ROBERT B. HUNT Clerk

R(+ B. Hunt

1 Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §§10111 and 10112 are enacted to read:

§10111. Contingency wildlife management provisions

When a ballot measure for a direct initiative of legislation as described in Title 21-A, chapter 11 is approved that reduces or alters wildlife management methods or management options available to the department, the commissioner shall implement the provisions of this section in relation to any fish or wildlife species significantly affected either directly or indirectly by the approved measure. For purposes of this section, "animal" means a fish or wildlife species that is significantly affected directly or indirectly by the approved ballot measure.

- 1. Expenditures prohibited. The commissioner may not expend any revenues on the animal damage control pursuant to section 10053, subsection 8 or any other nuisance animal control activities in excess of the amount expended in the fiscal year prior to the effective date of the ballot measure for a direct initiative of legislation as described in Title 21-A, chapter 11, adjusted annually for inflation.
- **2. Sterilization program.** The commissioner may not establish or implement a sterilization program to control the population of an animal.
- 3. Waste. The department may not dispose of any animal in a manner that constitutes waste under section 11224 and may not dispose of on state-owned land any animal killed by the department.
- 4. Landowner depredation program. The commissioner shall develop a landowner depredation program that allows a landowner or landowner's agent to take an animal for purposes of depredation on that landowner's property. The program must include, but is not limited to, the following.
 - A. Except as provided in paragraph B, a landowner or landowner's agent may not retain, in whole or in part, more than 2 animals of the same species at any one time.
 - B. If a landowner or landowner's agent exceeds the limit established in paragraph A, the landowner or the landowner's agent must donate any animal in excess to the Hunters for the Hungry program under section 10108 or, if the animal is not suitable for donation under the program, the department shall assist the landowner in the proper disposal of the animal but may not authorize the landowner to retain the animal or any part of the animal beyond the limit established in paragraph A.
- The commissioner shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the landowner depredation program, including, but not limited to, the number of animals killed pursuant to this subsection.
- The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

§10112. Ballot measure; impact analysis

Within 90 days after the Secretary of State verifies a petition for a direct initiative of legislation as described in Title 21-A, chapter 11 that proposes to reduce or alter wildlife management methods or management options available to the department and sends the measure to the Legislature, the commissioner shall conduct an impact assessment on that measure and report the commissioner's analysis to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. The analysis must include, but is not limited to, a biological and ecological impact assessment, the economic impact to the department and how the department will need to adjust its management practices to maintain a healthy wildlife population.

11 SUMMARY

This bill establishes contingent wildlife management provisions that become effective when a ballot measure for a direct initiative of legislation is approved that reduces wildlife management methods available to the Department of Inland Fisheries and Wildlife. The provisions of this bill apply only to the animals that are significantly affected either directly or indirectly by the approved ballot measure. The bill does the following.

- 1. It places a cap on the revenue the Commissioner of Inland Fisheries and Wildlife may expend to control animals causing damage or any other nuisance animals to the level spent in the fiscal year prior to the effective date of the direct initiative of legislation.
- 2. It prohibits the commissioner from establishing or implementing a sterilization program to control the population of an animal.
- 3. It provides that the department may not dispose of an animal in a manner that would constitute waste under existing statute and prohibits the department from disposing of on state-owned land an animal killed by the department.
- 4. It requires the commissioner to develop a landowner depredation program that sets a limit on the number of animals that may be retained by the landowner and requires a landowner to donate any animal taken from that landowner's land for depredation purposes exceeding the limit established by the commissioner to the Hunters for the Hungry program.
- 5. It also provides that within 90 days after the Secretary of State verifies a petition that proposes to reduce or alter wildlife management methods or management options available to the department and sends the proposed measure to the Legislature, the commissioner must conduct an impact assessment on that measure and report the commissioner's analysis to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.
- 6. It requires the commissioner to report on the landowner depredation program annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.