

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 10104, 12452, 12461  
**Chapter number/title:** Ch. 1, Open Water and Fishing Regulations  
**Filing number:** 2021-216  
**Effective date:** 1/1/2022  
**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, tackle 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 2022 ice fishing and open water seasons. The State Heritage Fish Waters list has also been amended with the removal of one water. 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 are retained. The rules set specific season dates, bag limits, length limits, tackle restrictions, and other special regulations designed to accomplish fisheries management objectives and are the result of the vetting process of the fisheries division law and rule committee. Biological information, public outreach, angler counts, survey results, and other available data on individual water bodies are reviewed when crafting these rules. These rules will have an effective date of January 1, 2022.

The rule-making packet was advertised to include 246 individual proposals presented in the following "theme" categories: Special Need; State Heritage Fish Waters; Expanded Winter Angling Opportunity; Simplify to General Law; Errors, Conflicts, Confusions; and North Zone Fall Season Consistency. A public hearing was held on July 26, 2021 (minutes attached) with fifteen citizens in attendance. Three members of the public provided testimony on the following: Winter angling concerns from those residing adjacent to Loon Lake; General support for the suite of regulatory proposals, including Abbotts Brook, Round Pond, simplification proposals, and the approach prohibiting use of live fish as bait for the 3 waters proposed to be opened to winter angling in the Rangeley Lake drainage. The Department also received 120 written comments from individuals/organizations (attached) which were acknowledged and forwarded to the Commissioner's Advisory Council as well as appropriate staff for consideration. While some comments focused on individual regulation themes, others commented on some or all of the themes.

**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 MRS §8053-A sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 10104, 12452, 12461  
**Chapter number/title:** Ch. 1-A, State Heritage Fish Waters  
**Filing number:** 2021-217  
**Effective date:** 1/1/2022  
**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, tackle 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 2022 ice fishing and open water seasons. The State Heritage Fish Waters list has also been amended with the removal of one water. 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 are retained. The rules set specific season dates, bag limits, length limits, tackle restrictions, and other special regulations designed to accomplish fisheries management objectives and are the result of the vetting process of the fisheries division law and rule committee. Biological information, public outreach, angler counts, survey results, and other available data on individual water bodies are reviewed when crafting these rules. These rules will have an effective date of January 1, 2022.

The rule-making packet was advertised to include 246 individual proposals presented in the following "theme" categories: Special Need; State Heritage Fish Waters; Expanded Winter Angling Opportunity; Simplify to General Law; Errors, Conflicts, Confusions; and North Zone Fall Season Consistency. A public hearing was held on July 26, 2021 (minutes attached) with fifteen citizens in attendance. Three members of the public provided testimony on the following: Winter angling concerns from those residing adjacent to Loon Lake; General support for the suite of regulatory proposals, including Abbotts Brook, Round Pond, simplification proposals, and the approach prohibiting use of live fish as bait for the 3 waters proposed to be opened to winter angling in the Rangeley Lake drainage. The Department also received 120 written comments from individuals/organizations (attached) which were acknowledged and forwarded to the Commissioner's Advisory Council as well as appropriate staff for consideration. While some comments focused on individual regulation themes, others commented on some or all of the themes.

**Fiscal impact of rule:**

No fiscal impact anticipated as a result of this rule.

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**Rules Adopted January 1, 2021 to December 31, 2021**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 10104, 12152  
**Chapter number/title:** Ch. 7, Rules for Importation, Possession, Propagation, Rehabilitation and Exhibition of Wildlife  
**Filing number:** 2021-040  
**Effective date:** 2/23/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

This rule change will provide the Department with the ability for strategic recruitment and permitting for wildlife rehabilitators. This change will allow the Department to address factors such as geographic location, unique animal care, and changing levels of sick or injured wildlife in the assessment of permitting prospective wildlife rehabilitators. Addressing Departmental needs will enable the wildlife rehabilitation program to provide consistent and reliable rehabilitative support for distressed wildlife.

**Basis statement:**

This rule is the result of an extensive 2-year process to update the wildlife rehabilitation program which resulted in an overhaul of Department policy as well as the amendments to ch. 7 rules respective to permitting for wildlife rehabilitators. The rule specifically addresses four different areas of the program. It will allow the strategic selection of wildlife rehabilitators based on geography, need, human population density and the ability of rehabbers to provide unique services or care for specific species. Parameters under which permitted wildlife rehabilitators can bring on volunteers and work with sub-permittees at their facility are also defined. Addressing Departmental needs will enable the wildlife rehabilitation program to provide consistent and reliable rehabilitative support for distressed wildlife. The rule change will give Department staff a clear direction for certification of wildlife rehabilitators, as well as providing prospective applicants the requirements that need to be met to become eligible for permitting as a wildlife rehabilitator.

**Fiscal impact of rule:**

No fiscal impact anticipated.

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

**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §13051  
**Chapter number/title:** Ch. 13, Watercraft Rules: 13.07, Motor Size Restrictions on Certain Inland Waters  
**Filing number:** 2021-108  
**Effective date:** 5/26/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Department of Inland Fisheries and Wildlife was petitioned to consider watercraft horsepower restrictions on Notched Pond, Gray, Raymond, Cumberland County, and a notice of agency rulemaking was advertised on September 23, 2020 with a comment period deadline of October 26, 2020. A public hearing was held, and comments were submitted and reviewed by the Commissioner's Advisory Council. At the Council's December 16, 2020 meeting, the seven members present voted 5 opposed, 2 in favor of adopting the proposal as presented. The petitioners later made the Department aware of additional information they felt would better advise the Council on activities at the pond regarding safety of persons and property and calls for assistance to the Maine Warden Service, and requested an opportunity to appeal the Council's decision. The Department moved forward with a second notice of agency rulemaking and opportunity for the public to submit additional comment.

**Basis statement:**

The Department of Inland Fisheries and Wildlife was petitioned to consider watercraft horsepower restrictions on Notched Pond, Gray, Raymond, Cumberland County and a notice of agency rulemaking was advertised on September 23, 2020 with a comment period deadline of October 26, 2020. A public hearing was held, and comments were submitted and reviewed by the Commissioner's Advisory Council. At the Council's December 16, 2020 meeting, the seven members present voted 5 opposed; 2 in favor of adopting the proposal as presented. The petitioner later made the Department aware of additional information they felt would better advise the Council on activities at the pond regarding safety of persons and property and calls for assistance to the Maine Warden Service and requested an opportunity to appeal the Council's decision. The Department agreed and moved forward with a second notice of agency rulemaking to provide opportunity for the public to submit additional comment and for warden service to provide clarification on the number and types of calls for service received for Notched Pond.

After the January 20, 2021 notice was advertised, the Department received three written comments in support of the proposed rule. A resident on the pond commented in favor and described concerns with large boats operating on the relatively small (77 acres) body of water. Representative Jessica Fay also commented in support and expressed concerns with swimmer safety, headway speed violations, etc. The petitioner also submitted comment and included email correspondence with a warden service lieutenant regarding calls for service and violations being reported on the pond. No public hearing was held as this was done when the petitioner's request was advertised initially, and it was agreed that an additional hearing was not necessary.

At the March 23, 2021 Advisory Council meeting, Colonel Dan Scott gave a summary of the calls for service to Notched Pond. Since 2016 there were six (6) different calls for service for operation of motorboats and personal watercraft. One was in 2016 which resulted in a summons for an unregistered boat. The complaint was a headway speed violation and

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harassment of loons and wildlife. The other five (5) calls for service were in 2020 in the last weeks of May and June. They ranged from jet skis speeding around the pond types of complaints to some dangerous situations with motorboats operating there. Out of the five calls, wardens responded twice directly to the pond and both times issued warnings to the operators.

The Commissioner brought the rule proposal forward to the Advisory Council for their consent at their May 4, 2021 meeting and of the seven (7) members participating, voted unanimously to accept the proposal as presented.

**Fiscal impact of rule:**

No fiscal impact anticipated.

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**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 10104, 11855  
**Chapter number/title:** Ch. 16, Hunting: 16.11, Migratory Game Bird Hunting  
**Filing number:** 2021-071  
**Effective date:** 4/13/2021  
**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. This rule will protect migratory game birds from over-harvest by setting these limitations. Adjustments to the migratory bird hunting seasons are based on a collaborative effort to collect and analyze data by the USFWS and state agencies.

**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.

After receiving the framework from the United States Fish and Wildlife Service (USFWS), the Department's rule implements Maine's 2021/22 migratory bird hunting seasons by selecting season dates and bag limits for ducks, coots, mergansers, geese, crows and woodcock. There was little change to season framework and bag limits from the previous season other than adjustments for calendar dates with the following two exceptions. First, the USFWS approved an earlier start date for woodcock season starting in 2021 of September 25", Previously, it was October 1 of each year. This will align the start date for woodcock hunting with grouse and other upland species. Second, for both common snipe and rails, the season ends two weeks later than in previous seasons. This change reflects the USFWS decision to allow compensatory days for all webless game bird species for states that do not allow Sunday hunting. In the past, those states had to count Sundays towards their total season length. Additional harvest during these days is not expected to have significant negative impact to these species.

A virtual public hearing was held via Microsoft Teams on February 9, 2021 with 13 citizens attending including members of the Commissioner's Waterfowl Council (minutes attached). The Department presented the proposal and discussed the season frameworks and bag and possession limits. Only 3 members of the public offered testimony, and all testified in support of moving the coastal zone end date into the second week of January to allow them to hunt later in the season. Three (3) written comments were also received expressing interest in moving the end date of the coastal zone season.

The Commissioner discussed the comments and recommendations with staff and members of the Waterfowl Council. Although those submitting comments had good points, there was not a clear majority of staff or Waterfowl Council members in favor the season date change. The Commissioner recommend staying with the original proposal. Comments were taken into Consideration for next season and Kelsey Sullivan, Bird Group Biologist, would work with the Waterfowl Council in developing next year's season with them.

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The Commissioner moved forward with the original proposal and the Commissioner's Advisory Council met via teleconference (Teams meeting) on March 23, 2021 and of the nine (9) members participating, voted unanimously to accept the proposal as presented.

**Fiscal impact of rule:**

No fiscal impact anticipated.

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**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 11551, 11552  
**Chapter number/title:** Ch. 16, Hunting: 16.08, Moose Hunting (Permit Allocations)  
**Filing number:** 2021-109  
**Effective date:** 5/26/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

Moose permit areas are adjusted on an annual basis in response to moose population estimates and population goals in each Wildlife Management District (WMD). Department biologists use moose harvest levels, aerial surveys, and biological data to evaluate the status of moose within each WMD. This information is compared to publicly derived goals outlined in the moose management system to determine whether the population in an individual WMD should be stabilized, increased, or decreased. This allocation also addresses ongoing concerns about the impacts of winter tick on moose survival and productivity while continuing to provide hunting opportunity across Maine's moose range.

**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 2021 season. The Department advertised a proposal on March 31, 2021 with a recommended total of 3,480 permits be issued in order to meet moose harvest objectives. This is an increase of 345 permits from 2020. Permits may be valid for either antlered moose, antlerless moose, or a moose of either sex, depending on the WMD and specific season in which the permit authorizes hunting. Moose permit allocations are adjusted on an annual basis in response to moose population estimates and population goals in each Wildlife Management District (WMD). Department biologists use moose harvest levels, aerial surveys, and biological data to evaluate the status of moose within each WMD. This information is compared to publicly derived goals outlined in the moose management system to determine whether the population in an individual WMD should be stabilized, increased, or decreased. Moose permit recommendations are based on removal rates of antlered and cow moose that will achieve the population goal for a particular WMD, while also maintaining desired numbers of mature antlered moose for viewing by the general public. The attached memorandum from the Department moose biologist Lee Kantar outlines the moose population status and recommended actions by WMD.

The Department has adopted incremental increases in bull and cow permits across most of Maine's core moose range (WMDS 1-9). Moose numbers in these WMDs are stable and can accommodate additional harvest without decline. These allocations are in concert with the goal of maintaining a healthy moose population while providing both hunting and viewing opportunities.

A virtual (Microsoft Teams) public hearing was held on April 20, 2021 (minutes attached) with seven (7) members of the public in attendance. This public hearing was held to solicit oral comments regarding the Department's proposal for moose permit allocations, as well as a separate proposal to institute an "adaptive moose hunt" in WMD 4. Only two (2) citizens testified at the hearing. One offered comment that was not clear which proposal they were testifying on but suggested they were not in favor. The second commented specifically in opposition to the proposal for moose permit allocations and stated the Department had not demonstrated that the hunt was "feasible" as required in statute.



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Three written comments were received on the proposal. The comments were acknowledged and forwarded to the Commissioner's Advisory Council and staff for consideration. All three of the comments submitted pertained to moose permit allocations and also the separate proposal for the "adaptive moose hunt". Specific comments on the moose permit proposal, one comment expressed concern over the effects of the moose hunt and tourism for moose viewing, ticks and other ways for management besides shooting the animals, a second comment stated they were opposed to the permit number increase, and the third stated they were opposed to the regular hunt because the Department had not proven it to be feasible and we should consider the impacts of natural predators on moose. In response, the Department states that moose permit numbers are designed to achieve the goals of the 2017-2027 Big Game Management Plan which are focused on population health, rather than managing for specific densities of moose, and IFW has done its due diligence in approaching moose management scientifically and in a proactive manner. Mr. Kantars attached memo and attached listing of moose management outreach support these WMD permit allocations.

The Commissioner recommended no changes to the original proposal. The Advisory Council met virtually via Microsoft Teams on May 4, 2021 and, of the seven (7) members participating, voted unanimously to adopt the proposal as presented.

**Fiscal impact of rule:**

No fiscal impact anticipated.

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**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 11551, 11552  
**Chapter number/title:** Ch. 16, Hunting: 16.08, Moose Hunting (Adaptive Moose Hunt)  
**Filing number:** 2021-110  
**Effective date:** 5/26/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

In 2017 the Wildlife Division introduced the concept of establishing an Adaptive Management Unit in a portion of the moose core range (WMD 4) whereby antlerless permits would be increased to a level that would cause a targeted moose population to decline. The intensified moose harvest and population reduction will be evaluated to assess the feasibility of reducing winter tick infestations on moose and subsequently reducing the impact of ticks on overwintering calf mortality and depression of reproduction. The objective of the Adaptive Management Hunt is to increase cow permits within the hunt location designated in WMD 4 which will be divided into two separate areas WMD 4A-North and WMD 4A-South to reduce the moose population over a 5-year period to determine if a lower density moose population will lessen the impacts of winter tick on moose.

**Basis statement:**

In 2017 the Wildlife Division introduced the concept of establishing an Adaptive Management Unit in a portion of the moose core range (WMD 4) whereby antlerless permits would be increased to a level that would cause a targeted moose population to decline. The intensified moose harvest and population reduction will be evaluated to assess the feasibility of reducing winter tick infestations on moose and subsequently reducing the impact of ticks on overwintering calf mortality and depression of reproduction. The objective of the Adaptive Management Hunt is to increase cow permits within the hunt location designated in WMD 4 which will be divided into two separate areas WMD 4A-North and WMD 4A-South to reduce the moose population over a 5-year period to determine if a lower density moose population will lessen the impacts of winter tick on moose. IFW identified multiple actions that needed to be addressed prior to proposing this management action. This included collection of data within the proposed unit in support of plan goals and objectives; outreach and education which included consultation with wildlife division staff, warden service, regional guides and outfitters, leaders in the hunting and outdoor recreation field and multiple presentations to organizations and universities; and development of a detailed plan to implement the adaptive unit hunt.

The drawings for resident, nonresident, and adaptive management zone moose hunting permits will be held separately, Therefore, only if an applicant does not receive a traditional moose hunting permit will they be put into the adaptive unit lottery. If an applicant receives an adaptive unit permit, they will lose their bonus points. For each adaptive hunt week, hunters will be assigned a north or south area as well as a week. All cow moose hunters will be required to attend a prehunt briefing and will be provided with adaptive hunt program details, expectations, maps, ovary removal instruction, bull/cow/calf differentiation and identification, in addition to proper care of meat. Hunters will be required to stop, register moose, and provide biological data at designated field check stations within the adaptive hunt area at key entry/egress points. Biologists will continue to monitor the moose population with aerial surveys and monitoring calves with GPS collars. The Adaptive Hunt will be reassessed annually.

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A virtual (Microsoft Teams) public hearing was held on April 20, 2021 (minutes attached) with seven (7) members of the public in attendance. This public hearing was held to solicit oral comments regarding the Department's proposal for moose permit allocations, as well as the adaptive moose hunt proposal. Only two (2) citizens testified at the hearing. One offered comment that was not clear which proposal they were testifying on but suggested they were not in favor. The second commented in opposition to the proposal. Twelve written comments were received. Three commented jointly on the moose permit allocations proposal as well as the adaptive hunt and were not in favor, six commented simply to stop the moose slaughter but gave no justifications for their request, two comments were not in agreement with the proposed rule expressing concern that calves would be abandoned by having additional cows harvested, it was cruel, and the Department should reconsider as they felt the moose population was declining. The final comment stated the proposed rule did not make sense to them and asked for clarification. Department responses to questions are attached in addition to Mr. Kantars briefing memo and a listing of moose management outreach which supports the implementation of the Department's adaptive moose hunt.

The Commissioner recommended no changes to the original proposal. The Advisory Council met virtually via Microsoft Teams on May 4, 2021 and, of the seven (7) members participating, voted unanimously to adopt the proposal as presented.

**Fiscal impact of rule:**

No fiscal impact anticipated.

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

**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 11152, 11401  
**Chapter number/title:** Ch. 16, Hunting: 16.07, Deer Hunting (Any-Deer Permit Allocations)  
**Filing number:** 2021-145  
**Effective date:** 7/18/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

Any-deer Permits (ADP) are adjusted by MDIFW on an annual basis by department biologists who consider deer harvest levels, biological metrics and indices, and estimates of winter severity when evaluating the status of the deer population within each wildlife management district (WMD). ADP recommendations are based on removal rates of adult does that will stabilize, increase, or decrease deer densities. In addition to annual ADP we are also issuing bonus antlerless deer permits in two subunits. These permits will allow hunters additional opportunity to harvest deer in areas experiencing elevated levels of Lyme disease, deer-vehicle collisions, and public complaints about deer.

**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. ADP recommendations are based on removal rates of adult does that will stabilize, increase, or decrease deer densities, according to the publicly derived goals in the deer management system. The Department's Deer Management System, which was developed as part of our long-term species planning process, is a comprehensive document which includes an extensive scientific assessment of deer populations and management strategies. Our management approaches are also reviewed and discussed regularly with other deer biologists across the northeastern U.S. and eastern Canada. Currently, we collect and analyze several types of data to develop informed recommendations on any-deer permit numbers. These data sources include measures of winter severity, hunter effort, yearling frequencies, yearling antler beam diameters, lactation status of does, harvest density, and ages of harvested deer.

For 2021, the Department will issue a total of 153,910 ADP across 26 WMDs, including 675 bonus antlerless permits in two deer management subunits (25a and 26a), to meet a doe harvest objective of 15,187 does, which is 15.6% more than 2020. The increase in permits is 39.9% from 2020 (109,990 ADP). WMDs 1, 4, and 5 will be open to buck harvest only as they remain under objective, are often subject to severe winters, have low growth potential, and do not have prominent areas with high levels of deer-human conflict. In WMDs 2, 3, 9-11, 19, 27 and 28, we are proposing to issue a small number of ADPs. The limited allocations of permits will allow hunters to continue to address localized issues with vehicle collisions, limit deer impacts to limited overwintering habitats, and offer additional harvest opportunities in these areas. WMDs 6-8, 12-14, and 18 will have increased allocations which is largely a product of lower estimated winter mortality rates leaving some additional room for doe removal. Large increases in permits are recommended for WMDs 15-17, 20-26, and 29. These WMDs represent the most productive deer range in Maine. In addition to being subject to mild winter conditions, it is increasingly challenging to achieve desired levels of doe removal in these districts. Doe harvest in these WMDs was ~39% below objective in 2020 and on average >20% below objective over the last decade. Bonus antlerless deer permits in Subunit 25a and 26a

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will allow for additional opportunity to harvest deer in areas experiencing elevated levels of Lyme disease, deer-vehicle collisions and public complaints about deer. After navigating several years with inflating permit numbers and relatively little return in terms of increased doe harvest, the Department will be convening intradepartmental and stakeholder groups to discuss new methods for allocating antlerless harvest opportunity in the future.

**Fiscal impact of rule:**

No fiscal impact anticipated.

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**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 10104, 11402  
**Chapter number/title:** Ch. 16, Hunting: 16.07, Deer Hunting (Expanded Archery Areas)  
**Filing number:** 2021-157  
**Effective date:** 8/10/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The expanded archery program was created to promote archery hunting in areas where hunting opportunities were limited, often by local firearms discharge ordinances, and where this additional hunting pressure would not disrupt other hunting opportunities or pose a public safety risk. Expanded archery areas include Wildlife Management District (WMD) 29, a large portion of WMD 24, and nine other areas near or around Augusta, Bangor, Bucksport, Camden, Castine, Eliot, Lewiston, Portland, and Waterville. Through the years, small additions and corrections to existing expanded archery boundaries have been made. Additionally, some road name and landmark references are no longer correct or are inconsistent with mapped boundaries. This revision will make language consistent across areas, address examples of incorrect road and landmark names, and bring boundary description language in line with mapped boundaries currently presented on the MDIFW website.

**Basis statement:**

The expanded archery program was created to promote archery hunting in areas where hunting opportunities were limited, often by local firearms discharge ordinances, and where this additional hunting pressure would not disrupt other hunting opportunities or pose a public safety risk. Expanded archery areas include Wildlife Management District (WMD) 29, a large portion of WMD 24, and nine other areas near or around Augusta, Bangor, Bucksport, Camden, Castine, Eliot, Lewiston, Portland, and Waterville. Through the years, small additions and corrections to existing expanded archery boundaries have been made. Additionally, some road name and landmark references are no longer correct or are inconsistent with mapped boundaries. This revision will make language consistent across areas, address examples of incorrect road and landmark names, and bring boundary description language in line with mapped boundaries currently presented on the MDIFW website. Language revisions were referenced with the Wildlife Management District boundary descriptions and the expanded archery descriptions brought more in line with those in terms of language and style. Regional biologists and game wardens worked together to review for potential land additions and referred to mapped areas available on the MDIFW website and in ArcGIS shapefiles to determine whether boundary texts were consistent with mapped areas.

This update is primarily addressing language and stylistic inconsistencies in the expanded archery boundary descriptions that have resulted from years of multiple authorship and revisions. The Department has also further amended the following areas: Combined the Brewer and Bangor expanded archery areas, which were previously adjacent but presented as two separate maps, GIS polygons, and boundary texts. Added the area impacting Owl's Head and South Thomaston, this is an area where hunting access is somewhat limited due to the area being a peninsula and characterized by typical coastal housing development and is covered by a town-level firearms discharge ordinance restricting gun deer hunting to shotgun only. As is common with airports, there is some history of deer issues at the regional airport, which will be covered by this addition. Also included is a clarification that a few islands that are part of WMD 24 should be counted within the WMD 24 expanded archery area rather than

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the WMD 29 expanded archery area, and revised language for the WMD 24 expanded archery area for consistency with the online map. This adds a small triangle of land approximately 65 acres in size in the town of Ogunquit near Bourne Lane and Shore Road.

**Fiscal impact of rule:**

No fiscal impact anticipated.

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**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §10104  
**Chapter number/title:** Ch. 16, Hunting: 16.13, Protocol for Big Game Registration Station and Furbearer Registration Agents  
**Filing number:** 2021-158  
**Effective date:** 8/10/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Department regularly adjusts furbearer hunting and trapping regulations in response to emerging scientific information, changes in hunter and trapper participation, and biological data. These minor changes are to clarify and simplify existing rules.

**Basis statement:**

The Department regularly adjusts furbearer hunting and trapping regulations in response to emerging scientific information, changes in hunter and trapper participation, and biological data. These minor changes are to clarify and simplify existing rules. The Department is removing the 25¢ tagging fee when the Department tags fur. This change still allows fur tagging agents to continue charging 25¢ for each furbearer pelt that is tagged. Also, as temporary transportation tags for marten and fisher have not been required since 2020, these changes will bring remaining sections of Chapter 16 and 17 rules up to date.

Since 1982, the fee charged to tag certain furbearer species has been 25¢ for each pelt. Fur tagging agents are established by the Commissioner on the basis of need and for added support to department staff. In recent years, 60% of the annual fur has been tagged by department biologists, wardens and administrative staff. The elimination of the fur tagging fee for staff will remove the burden of collecting money from hunters and trappers, but could result in an increase to the number of furs tagged by the department. Based on recent trends in the total number of furs tagged, however, some increases would still be manageable. Fur tagging agents provide an important service and the proposed change would still enable agents to charge 25¢ for each pelt. Transportation tags are no longer required for marten and fisher. The web-based registration system is used for enforcement purposes to ensure that trappers are following bag limits, without the additional burden of transportation tags.

**Fiscal impact of rule:**

Slight negative fiscal impact to the Department anticipated.



**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 10104, 12251  
**Chapter number/title:** Ch. 17, Trapping  
**Filing number:** 2021-159  
**Effective date:** 8/10/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The Department regularly adjusts furbearer hunting and trapping regulations in response to emerging scientific information, changes in hunter and trapper participation, and biological data. As in previous years, the Department has made changes to open or close certain areas to beaver trapping in response to requests from landowners. Several minor changes to clarify or simplify existing rules have also been made including removing the special fisher trapping season and removing the tagging fee when Department staff tag fur. The web-based fur registration system, biological data, trapper survey, and camera study allow the Department to monitor the harvest and the status of furbearer populations across the state.

**Basis statement:**

The Department regularly adjusts furbearer hunting and trapping regulations in response to emerging scientific information, changes in hunter and trapper participation, and biological data. As in previous years, the Department has made changes to open or close certain areas to beaver trapping in response to requests from landowners. Several minor changes to clarify or simplify existing rules have also been made including removing the special fisher trapping season and removing the tagging fee when Department staff tag fur.

Specific updates to the rule are as follows: **Fisher Trapping Season:** Since 2013, the fisher trapping season has been based on Wildlife Management District. Currently, fisher can be trapped for approximately 9 weeks during the general trapping season in northern areas (WMD 1-11 & 14) but is restricted to approximately 7 weeks in southern areas (WMD's 12, 13 & 15-29). The rule eliminates the special fisher trapping season and allows fisher trapping during the general trapping season statewide. Fisher are just as common or more common than marten in some of the northern areas. Information gathered from staff, trapper surveys, camera study, and public reports suggest that fisher are abundant in much of the state. The Department believes that aligning the fisher trapping season with the general trapping season will simplify regulations and will not negatively affect the fisher population.

**Beaver Season and Closures:** Beaver season dates are subject to change annually, but the start dates are generally based on the general trapping season and deer firearm season. The rule change formally assigns how beaver dates are selected to streamline the process. The list of beaver trapping closures has been updated to accommodate the wishes of private landowners on whose land the trapping activity would occur. Townships or portions thereof are opened and closed on an individual basis to manage local beaver populations within the general season framework.

**Fur Tagging Fee:** Since 1982, the fee charged to tag certain furbearer species has been 25¢ for each pelt. Fur tagging agents are established by the Commissioner on the basis of need and for added support to department staff. In recent years, 60% of the annual fur has been tagged by department biologists, wardens and administrative staff. The elimination of the fur tagging fee for staff will remove the burden of collecting money from hunters and trappers, but could result in an increase to the number of furs tagged by the department. Based on recent

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

trends in the total number of furs tagged, however, some increases would still be manageable. Fur tagging agents provide an important service and the proposed change would still enable agents to charge 25¢ for each pelt.

**Transportation Tags:** Transportation tags are no longer required for marten and fisher. The web-based registration system is used for enforcement purposes to ensure that trappers are following bag limits, without the additional burden of transportation tags.

**Fiscal impact of rule:**

Slight negative impact to the Department anticipated.

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Inland Fisheries and Wildlife (IFW)  
**Umbrella-Unit:** 09-137  
**Statutory authority:** 12 MRS §§ 10104, 12851  
**Chapter number/title:** Ch. 24, Licensed Guides (Recreational Classification)  
**Filing number:** 2021-072  
**Effective date:** 4/13/2021  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The rule allows those testing for hunting or fishing classifications to also test at the same time for a recreational classification by paying the \$100 exam fee for each classification. This began on January 1, 2021 and required IFW to provide 2 new types of exams, one that incorporates both the hunting and recreational classifications and another that incorporates the fishing and recreational classifications. It also allows someone who is currently licensed as a hunting and/or fishing guide to pay the \$100 exam fee, take a written exam only, and acquire their recreational classification as well. They will not have to take the oral exam again as they would have already been questioned during the oral board exam on recreational type questions when obtaining their hunting or fishing guide license.

**Basis statement:**

In 2020, the ch. 24 *Licensed Guide* rules were amended to include updates to the application and testing process to allow anyone testing for hunting or fishing classifications to also have the ability to test for a recreational classification by paying the \$100 exam fee for each classification beginning January 1, 2021. After rules were adopted, it became clear that additional language was necessary under the section for renewal applicants to define the recreational classification upgrade for those renewing their hunting or fishing guide license. These rules have been adopted to accomplish that clarification.

Someone who is currently licensed as a hunting and/or fishing guide will pay the \$100 exam fee, take a written exam only, and acquire their recreational classification as well. They will not be required to take the oral exam again as they would have already been questioned during the oral board exam on recreational type questions when obtaining their hunting or fishing guide license. The recreational classification on their license will expire at the same time as the other classifications the guide currently holds. If a guide requests to take the recreational test and this doesn't occur at the time of renewal, they will only be required to submit to the background check upon renewal of the other classification(s) they currently hold. These changes have been reviewed and discussed with IFW staff who process applications, renewal applications and oversee the examination process; Members of the Guide Advisory Board including the game warden chair; and input was received from organizations that represent guides statewide.

**Fiscal impact of rule:**

No fiscal impact anticipated.