

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 288 - L.D. 404

An Act To Preserve Deer Habitat

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation directs the Land for Maine's Future Board to give a preferential consideration to certain projects that conserve lands that are important for conserving deer; and

Whereas, this legislation provides for the acquisition and management of areas that are important to the conservation of deer and provides that these lands must be managed with deer conservation as the highest management priority; and

Whereas, funding for such acquisition and management may be available before the end of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §6203, sub-§3, as amended by PL 2021, c. 135, §3, is further amended to read:

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

- A. Acquire property or an interest in property that is determined by the board to be of state significance under the guidelines of this chapter;
- B. When interest in land is acquired with proceeds from the Land for Maine's Future Fund, fund minor capital improvements on such lands and on adjoining lands in the same ownership or under the same management to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; and

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

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

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

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

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values;

B. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State;

C. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section; ~~or~~

D. Provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter; ~~or~~

E. Contains deer wintering areas and satisfies all the requirements of subsection 3, paragraph A.

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

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

A. When evaluating projects to be funded, the board shall give a preferential consideration to projects that conserve lands that have been determined by the Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine. To be given preferential consideration under this paragraph, a project must result in the acquisition of a fee interest or an easement interest in the land, the department's holding the interest in the land and the department's managing the land area as a wildlife management area, as defined in Title 12, section 10001, subsection 74, with deer conservation as the highest management priority. Only projects that satisfy the requirements of this paragraph may be given preferential consideration. Nothing in this paragraph limits the ability of the board to use the Land for Maine's Future Fund to fund other projects that may also help conserve deer or deer habitat but that do not receive preferential consideration under this paragraph.

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

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

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

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

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

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

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

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

1-A. Acquisition of land; deer wintering areas. The commissioner shall identify areas that are important to the conservation of deer in northern, eastern and western Maine, and may acquire these lands, including with funds provided by the Land for Maine's Future Fund in accordance with Title 5, section 6207. These lands must be designated as wildlife management areas and managed with deer conservation as the highest management priority, and the commissioner shall ensure that appropriate deed restrictions are placed on the land that reflect these priorities. The commissioner shall also develop appropriate purchase and sale agreements that ensure that deer wintering areas on land to be acquired pursuant to this subsection are preserved as deer wintering areas prior to purchase. Beginning January 15, 2023 and annually thereafter, the department shall report to the joint

standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the acquisition and management of deer wintering areas.

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

§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.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.