

**TESTIMONY OF THE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

**IN SUPPORT OF L.D. 157**

**“An Act to Amend Certain Inland Fisheries and Wildlife Laws”**

**SPONSORED BY:** Representative WOODSOME of Waterboro.

**DATE OF HEARING: Monday, January 27, 2025**

Good afternoon, Senator Baldacci, Representative Roberts and members of the Inland Fisheries and Wildlife Committee. I am Dan Scott, Colonel of the Maine Warden Service, speaking on behalf of the Department, in support of **L.D. 157**.

This bill was put forth by our agency, it proposes several non-substantive changes to address either simple errors or poor location of language within the framework of Title 12. This is also known as our Omnibus bill.

**Section 1** of the bill repeals language simply to move this section of law governing the Fish and Wildlife Management Education Fund into a subchapter dealing with specific dedicated funds.

**Section 2** is the same language that is repealed but just placed in the new section of Title 12.

**Section 3** provides clarity within the license suspension section of the law that a person convicted of discharging archery equipment within 100 yards of a residential dwelling without owner permission faces a mandatory license revocation just as a person would if they discharged a firearm within 100 yards of a dwelling. This information is clear within the prohibition section of 11209 but “archery equipment” was never added to the mandatory license revocation portion of this law when the archery equipment definition was changed last session.

**Section 4** removes the word "written" from the laws governing the moose permit lottery application because the moose lottery applications are completed electronically only.

**Section 5 (needs amending)** We would like to remove all of section 5 from the bill. We no longer want to repeal this statute. It was included in error. We still wish to keep set-bows illegal. This was due to confusion around the term set bow as opposed to a draw-loc device. As written, it repeals a law that prohibits the use of set bows to hunt wild animals or birds.

**Section 6** provides that if a person submits satisfactory evidence of having previously held an adult license to trap in any other state, province or country, the person must also submit proof of having successfully completed a trapper education course comparable to the type described in law. This requires proof of a trapper safety course when a person shows a NR trapping license

as proof to buy a resident trapping license. Current law creates a loophole and allows people to trap without having taken trapper education.

There are Maine residents purchasing nonresident trapping licenses from states which do not require a trapper education course. These people do not actually go to these states to trap. They use the license to purchase a Maine trapping license and avoid taking a trapper education course. Furbearer trapping is a highly regulated activity and is governed by the laws and rules promulgated by Maine's legislature and IFW. Maine's trapper education course instructs students on the use of traps including, Best Management Practices for trapping, responsible trapping, and techniques to avoid the take of endangered and other non-target species. IFW's trapping education program was updated in 2008 and follows recommendations established by the Association of Fish and Wildlife Agencies (AFWA). The course is taught by experienced trappers (volunteers) and IFW staff who follow a predetermined course outline. This change aims to address a loophole in the law surrounding eligibility to acquire a trapping license. There are eleven states (including Virginia) that do not require trapper education. This practice puts trappers at risk of violating our laws, rules and participating in irresponsible trapping behaviors.

**Section 7 (needs amending)** provides clarity related to the use of lead sinkers, bare lead jigs and painted lead jigs when used to fish in inland waters. The law was never intended to impact the use of lead sinkers, bare lead jigs and painted lead jigs on coastal waters, so this change makes it clear that the prohibition on use applies to inland waters only.

Additionally, we request the Committee to consider an amendment to this bill. That request is to clearly define what is a "lead jig". Numerous retailers as well as manufacturers, sportsmen and women and wardens have been confused by the statute because lead jig was not defined in Title 12. We have come up with a definition which combines language from both the USFW Service's definition of lead jig and the state of New Hampshire's definition of lead jig. We especially appreciated NH's definition which clearly excluded certain artificial lures, and we feel mirroring some of that language would be very useful to fishermen who fish both Maine and NH. If requested, DIFW has a draft regarding the suggested amendment.

We recommend the following definition be added to the statute:

A "lead jig" means a hook with a lead weight molded to it, regardless of whether it is painted, coated, or covered by some other substance or by attached skirts. Lead jigs shall not include lead fishing related items including but not limited to lead core line, spinnerbaits, buzzbaits, spoons, poppers, plugs, or flies.

**Sections 8 through 11** add 4 new wildlife management areas to the list of wildlife management areas and **Section 12** removes one from that list.

1. Rangeley WMA – Rangeley – Franklin County
2. Caribou Stream WMA – Washburn, Woodland – Aroostook County
3. Lexington WMA – Lexington TWP. – Somerset County
4. Macwahoc WMA - Upper Molunkus TWP and North Yarmouth Academy Grant (T1 R4 WELS) – Aroostook County

**Section 13** provides that, beginning on January 1, 2026, a taxidermist license entitles a person to practice the art of taxidermy through the remainder of the calendar year in which the license was issued plus 2 calendar years unless revoked sooner. We have approximately 300 licenses

and permits to manage and all of them expire on either December 31<sup>st</sup> or June 30<sup>th</sup>. Having varying expiration dates creates administrative challenges and confusion for the license holder.

**Section 10** changes the term "bathing area" to "swim area" in the laws prohibiting motorboat operation within a marked or buoyed area used for bathing. This was a request made from DACF navigational aid program because their navigational aid rules refer to "swim area" having to be marked within the water safety zone, what Title 12 refers to as a bathing area is really interpreted as a swim area. A more appropriate and consistent term of "swim area" should replace "bathing area".

We would also ask for an amendment to this section which was brought forth by ACF staff. They would like to replace the word, "motorboats" to "watercraft".

From the staff at ACF: their justification in asking for the change is that they believe paddleboards, kayaks, and other paddlecraft should not be allowed within an area marked for swimming because a person could be inadvertently struck and possibly injure someone when using watercraft in swim areas. The Navigational Aids Bureau within ACF must approve a "swim area" permit application before an official swim area can be installed on inland waters and only certain entities can qualify for a permit. The statues addressing swim areas in 12 MRS Part 2 Section 1900 delineate swim areas "for the purpose of swimming." The buoys used to mark a swim area display a diamond symbol with a cross symbol centered within the diamond. In the state/federal regulations this buoy indicates an area where "vessels" are prohibited. See our suggested changes:

**14. Operating ~~motorboat~~ watercraft in ~~bathing~~ swim areas.** The following provisions apply to operating a ~~motorboat~~ watercraft in a ~~swim~~ bathing area.

A. A person may not:

- (1) Operate a ~~motorboat~~ watercraft within a ~~swim~~ bathing area marked or buoyed for ~~swimming~~ bathing; or
- (2) Operate an airmobile on a beach adjacent to a ~~swim~~ bathing area marked or buoyed for ~~swimming~~ bathing. [PL 2003, c. 655, Pt. B, §380 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E

I would be glad to answer any questions at this time or during the work session.