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To: Senator Dill, Representative Landry, and esteemed members of the Inland Fisheries and Wildlife Committee

Good morning, I'm Rick Wiggin, from Standish. I'd like to thank Rep. Ordway for sponsoring and supporting this bill, and to thank the Committee for the opportunity to be heard. I urge your support of LD 394, which is a simple, rational measure to protect loons and other wildlife from boat racing in environmentally sensitive areas of the state. It does this responsibly, without regulatory overreach.

You'll hear a lot, this morning, about the environmental, cultural, and economic importance of loons, and also about boat racing. But I'm going to take my three minutes to talk about nuts and bolts. The permitting statute for boat racing (Title 12, §13061) contains an unintentional flaw that needs to be addressed, and LD 394 is the means to correct that flaw.

The flaw is that §13061 makes no reference to wildlife. None. Accordingly, IF&W has determined that this precludes it from considering wildlife impacts in the issuance of a permit. I repeat—the current law does not allow IF&W to consider wildlife in the issuance of boat race permits. Wildlife simply has no seat at the table.

Moreover, IF&W has also ruled that —except for a couple of very simple administrative requirements as defined in the statute—it cannot deny a permit request. This means ***that race organizers get their permit regardless of the environmental sensitivity of the race venue, and regardless of any potentially devastating impact the race may have on resident wildlife.***

This is clearly not the intent of the statute. It is ludicrous to think that IF&W, whose job is—in its own words—“protecting Maine's fish and wildlife and their habitats by safely connecting people with nature through responsible recreation, sport, and science” would be given permitting authority over an activity but denied the authority to exercise appropriate oversight over the wildlife impacts of that activity. That is the basic flaw that leaves every lake and river in Maine exposed, and that this bill seeks to correct. LD 394 simply provides IF&W with the statutory authority to do its job.

Unfortunately, as printed, LD 394 is also flawed, in that it doesn't give IF&W any more authority to deny a permit than it has now—which would be important if wildlife impacts cannot be mitigated. So I propose the following Friendly Amendment:

Friendly Amendment to LD 394

to replace the existing §13061, sub-§2:

2. Issuance. The commissioner may issue a permit to a person permitting the person to hold a regatta, race, boat exhibition or water-ski exhibition on any of the internal waters of this State.

with a new sub-§2, which would now read:

2. Issuance. The commissioner may issue a permit to a person permitting the person to hold a regatta, race, boat exhibition or water-ski exhibition on any of the internal waters of this State, if the Commissioner determines that the regatta, race, or exhibition will not unreasonably endanger public safety, wildlife, wildlife habitat, or water quality.

SUMMARY

This amendment will empower the Commissioner not to issue a permit for a regatta, race, boat or water ski exhibition if he or she determines that doing so would unreasonably endanger public safety, wildlife, wildlife habitat, or water quality.