

## Office of Policy and Legal Analysis

Date: 4-26-21  
To: Joint Standing Committee on Inland Fisheries and Wildlife  
From: Jon Clark, Deputy Director, OPLA  
Re: [LD 1012](#), An Act To Fund Wildlife Rehabilitators (Fay)

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### Bill Summary

This bill creates a new project category for natural resources agencies that are applying for a grant from the Maine Outdoor Heritage Fund (OHF). The new category is wildlife rehabilitation.

In reviewing and awarding a grant proposal for this new category, the OHF board would consider whether the project involves:

- A species or species group
  - adversely affected due to lack of management or habitat loss;
  - adversely affected due to unusual vulnerability to man-made disturbances and requirements for a special or limited habitat type
  - listed as endangered or threatened under state or federal law;
- Fish or wildlife of statewide or regional significance;
- Education for the public concerning native wildlife; and
- Available matching funds.

The law specifies that criteria are not listed in any order of priority.

The bill modifies the current funding allocation of the OHF as follows:

1. ~~35%~~ 30% for fisheries and wildlife and habitat conservation projects
2. 35% for acquisition and management of public lands, parks and wildlife conservation areas and public access and outdoor recreation sites and facilities
3. ~~15%~~ 10% for endangered and threatened species conservation
4. 15% for natural resources law enforcement
5. 10% for wildlife rehabilitation

### Sponsor Amendment:

Rep. Fay (sponsor) has proposed an amendment to replace the bill and instead provide \$75,000 from the GF each year of the biennium to the OHF (not limited to wildlife rehabilitators). The amendment may be found [here](#).

### Testimony

[4-7-21](#)

The following persons testified orally (see testimony link for written testimony):

**Pro:** Rep Fay (sponsor), Adelyn Bryant, Irelyn Smith, Karlee Lothrop, Molly Stowell, Paige Teteault, Skye Loring-Dymond

**Con:** Jim Connolly (DIFW),

**NF/NA:** none

### Information Requests:

Has Operation Game Thief received funding through the OHF?

- DIFW response: Does not appear so, but it could be eligible under “Category 4” Natural Resources Law Enforcement and Protection of Public Health.

### Additional Information:

- DIFW indicates that wildlife rehabilitators can be and have been funded from the OHF under the fisheries and wildlife conservation project category if the work is with *endangered, threatened and special concern species* ([12 MRSA 10309, sub-§3](#)):

**3. Conservation of endangered and threatened species and their habitats.** For the category of conservation of endangered and threatened species and their habitats:

- A. A species or species group listed as endangered or threatened under state or federal law;
  - B. The habitat of one or more species or groups under paragraph A;
  - C. A species or species group not listed as threatened or endangered but, based on the best available scientific information, potentially warranting listing in the near future;
  - D. A species, group of species, natural community or ecosystem that has been documented as being in decline or recognized as being at risk of extirpation from the State;
  - E. Any species, group of species, natural community or ecosystem thought in the best professional judgment of biologists to be in decline or in danger of extirpation from the State but whose status is undetermined; and
  - F. Available matching funds
- The funding source for the OHF is currently from the lottery [12 MRSA 386](#) and from any other public or private sources [12 MRSA 10302](#)
  - The law governing the Outdoor Heritage Fund is linked here [12 MRSA 10307](#)
  - The fund is available to natural resource agencies, who may contract with nongovernmental organizations for the purposes of carrying out projects funded by the OHF [12 MRSA 10304](#)
  - The law governing distribution of grants from the Fund [12 MRSA 10309](#)

Fiscal Impact: not yet determined