

Drafter: JC

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Date: 4/28/2021

**LD 404**  
**SPONSOR AMENDMENT**  
**Rep. Johansen**

Strike the concept draft and replace with the following:

**Sec. 1. 5 MRSA §6203, sub- 3** is 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~~

C. When interest in farmland is acquired with proceeds from the Land for Maine's Future Fund, fund the development of a business plan and capital improvements to provide for the land's continuing use as a working farm, as long as these improvements do not exceed 5% of the appraised value of the acquired property. Capital improvements under this paragraph may also be made on adjoining farmland in the same ownership or under the same management. ;

*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 this plan does 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** is 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. Provides wintering habitat for deer in areas determined by the Maine Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine.

**Sec. 3. 5 MRSA §6207, sub-§3** is 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. When evaluating projects to be funded, the board shall give preferential consideration to projects that conserve lands that have been determined by the Maine Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine in accordance with section 6207, subsection 2, paragraph E. Any lands acquired with proceeds from the Land for Maine's Future fund as a result of this preference must be acquired by or conveyed to the Maine Department of Inland Fisheries and Wildlife and managed as Wildlife Management Areas, with deer conservation as the highest management priority.

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, sun-§14 3** is 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~~

B.

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 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 subchapter 375, subchapter 2-A.

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

**1. Acquisition of land; wildlife management and public access.** The commissioner may acquire property pursuant to this subsection for fish hatchery or fish feeding stations or wildlife management areas or public access sites.

A. The commissioner may acquire in the name of the State, by gift, bequest or otherwise, real and personal property for the location, construction and convenient operation of a fish hatchery or fish feeding station or a wildlife management area or public access sites to inland or coastal waters. When acquiring land or interest in land for a wildlife management area or for a public access site, the commissioner shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the commissioner shall describe the acquisition in the annual report submitted pursuant to section 10103, subsection 11 and the justification for that acquisition.

B. The commissioner may purchase, lease or take and hold, for and on behalf of the State as for public uses, land and all materials in and upon it or any rights necessary for the purpose of establishing, erecting and operating fish hatcheries or fish feeding stations or wildlife management areas or public access sites to inland or coastal waters.

C. When the commissioner finds that a public need requires the taking of any land or rights for the purposes set out in this subsection, the commissioner shall cause the land or rights to be surveyed, located and described so that the land or rights can be located.

D. A plan of the land or rights must be filed and recorded in the registry of deeds where the land or rights are located.

E. The filing of the plan and description vests the title to the land and right in the State or its grantees, to be held at the pleasure of the State.

**1A. Acquisition of 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 Lands For Maine Future Program in accordance with section 6207. These lands must be designated as wildlife management areas and managed with deer conservation as the highest 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 habitat on land to be acquired pursuant to this subsection is preserved as deer habitat 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 fisheries and wildlife on the acquisition and management of deer wintering areas.

**Sec. 6. 12 MRSA §10264** is 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.

**Sec. 7. Position.** The Department of Inland Fisheries and Wildlife shall determine the requirements for and cost of a new position to coordinate the acquisition and management of deer wintering areas in accordance with the requirements of this Act. The department shall examine appropriate funding sources to fund the position, including the Deer Management Fund under Title 12 Section 10264 and available federal funds. The department shall submit by January 15, 2022 draft legislation to the Joint Standing Committee on Inland Fisheries and Wildlife to establish and fund the position. The committee may report out a bill to establish the position to the 130<sup>th</sup> Legislature.

## Summary

This amendment replaces the concept draft. This amendment does the following.

1. Establishes preferential consideration of deer winter areas identified by the Department of Inland Fisheries and Wildlife under the Land for Maine's Future program and specifies that lands acquired for this purpose must be owned and managed by the department.
2. Allows Land for Maine's Future funds to be used for the development of a management plan for a deer wintering area on lands acquired for that purpose using Land For Maine's Future funding, as long as cost of the plan does not exceed 5% of the appraised value of the property.
3. Directs the Department of Inland Fisheries and Wildlife to identify areas that are important to the conservation of deer in northern, eastern, and western Maine, and authorizes the Department to acquire these lands, which must be designated as Wildlife Management Areas. Directs the department to ensure that appropriate deed restrictions are placed on the land acquired and to develop appropriate purchase and sale agreements to at ensure that deer habitat on land to be acquired is preserved as deer habitat prior to purchase. Beginning January 15, 2023 and annually thereafter, the department is required to report to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife on the acquisition and management of deer wintering areas.
4. Allows the Department's Deer Management Fund to be used to acquire deer habitat.
5. Authorizes the Department of Inland Fisheries and Wildlife to prohibit or limit the feeding of deer, bear, moose or turkey as part of a plan to promote the use of wintering areas by deer.
6. Directs the Department to develop establish a position in the FY 22/23 Biennial Budget to coordinate the acquisition and management of deer wintering areas, using the Deer Management Fund and Federal Funds as a revenue source.