

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE (09-137)

AGENDA OF PROPOSED REGULATIONS

OCTOBER 1, 2022 – SEPTEMBER 31, 2023

AGENCY UMBRELLA-UNIT NUMBER: 09-137

AGENCY NAME: DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

AGENCY CONTACT: Becky Orff, Department of Inland Fisheries & Wildlife, Commissioner's Office, #41 State House Station, 353 Water Street, Augusta, ME 04333-0041; telephone: 207-287-5202.

INTENT: It is the intent of the Department of Inland Fisheries and Wildlife to adopt and amend reasonable regulations as necessary to ensure that all species of inland fish and wildlife are perpetuated to be used now and for the foreseeable future; and also to repeal regulations that are deemed no longer necessary for the protection, enhancement and continued use of these resources.

STATUTORY AUTHORITY: 12 MRSA, Section 10104, subsection 1 states: "The Commissioner may, with the advice and consent of the Advisory Council and in conformity with the Administrative Procedures Act, Title 5, Part 18, and except as otherwise provided, adopt, amend and repeal reasonable regulations, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that the commissioner is charged with the duty of administering. These rules duly adopted have the full force and effect of law and are effective upon filing with the Secretary of State unless a later date is required by statute or specified in the rule." The provisions of the law that the Commissioner is charged with the duty of administering are Part 13 of Title 12 MRSA Chapters 901 to 941.

PURPOSE OF THE REGULATIONS: The purpose of any proposed regulation regarding fish and wildlife is to provide for the fullest level of use of the resource without adversely affecting species distribution and abundance. In order to have an organized and systematic way of accomplishing this goal, Species Management Plans were developed, and updated at five-year intervals, for all major fish and wildlife species or species groups. All proposed regulation changes will be based on the adopted goals and objectives for a particular species or species group. Species management goals and objectives are developed with input from representatives of the public from various geographic areas of the state, biological staff and members of Warden Service, and are presented to the Commissioner and the Advisory Council for adoption. Regulations regarding recreational vehicle use are adopted to provide for the use, to the fullest extent possible, of such vehicles (watercraft, airmobiles, snowmobiles and all-terrain vehicles), without adversely affecting the resource and the safety and welfare of persons and property; and administrative regulations are promulgated for the purpose of setting forth reasonable criteria for the proper licensing, registering and tagging, and

training requirements specified by law for the safety and welfare of the resource and citizens of the State.

POTENTIALLY BENEFITED PARTIES:

- General public - residents and non-residents
- The hunting, fishing, and trapping public
- Sporting camp operators and others offering meals and lodging
- Sportsmen's organizations
- The boating and recreational vehicle owners and dealers
- Private property owners
- Commercial forest landowners
- Landowners and land users

EMERGENCY RULES ADOPTED SINCE LAST AGENDA:

The Department did not adopt any emergency rules since the last agenda.

EXPECTED 2022-2023 RULE-MAKING ACTIVITY:

EMERGENCY RULES: As necessary.

CHAPTER 1 -- OPEN WATER AND ICE FISHING REGULATIONS:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12452

PURPOSE: To provide for season dates, daily bag and possession limits, size limits, etc. for open water and ice fishing.

ANTICIPATED SCHEDULE: Fishing regulations are promulgated and published on an annual basis January 1 – Dec. 31: Ice Fishing and Open Water: July (or as necessary).

CHAPTER 1-A – STATE HERITAGE FISH WATERS:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12461

PURPOSE: To maintain a list of waters identified as eastern brook trout waters and arctic charr waters that have never been stocked or not stocked for at least 25 years according to any reliable records and provide special protections to those waters in an effort to preserve those fish species.

ANTICIPATED SCHEDULE: In conjunction with Chapter 1 Ice Fishing and Open Water Regulations: July (or as necessary).

CHAPTER 2 -- RULES PERTAINING TO FISHING DERBIES AND TOURNAMENTS:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12504, 12505

PURPOSE: Establish application procedures, restrictions, and requirements for fishing derbies and tournaments.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 2 -- RULES PERTAINING TO FISHERY MANAGEMENT AND FISH CULTURE:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12751, 12754

PURPOSE: Designate waters for use in fish culture and scientific research; establish rules for the taking of alewives, eels, suckers and yellow perch and regulations pertaining to commercially grown or imported fish.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 3 – PUBLIC INTERACTION AND CONFLICTS WITH WILDLIFE (FEEDING OF DEER)

STATUTORY AUTHORITY: 12 MRSA Section 10105, sub-§14

PURPOSE: To regulate the feeding of deer, bear, moose and wild turkey in order to minimize potential public safety hazards or detrimental effects on specific species as well as minimize the risk of chronic wasting disease.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 4 -- FALCONRY:

STATUTORY AUTHORITY: 12 MRS Section 11159.

PURPOSE: General provisions to practice falconry in Maine.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 5 -- REGULATIONS PERTAINING TO THE USE OF STATE-OWNED WILDLIFE MANAGEMENT AREAS:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12701

PURPOSE: Establish regulations regarding hunting, fishing, trapping or other public uses of any wildlife management area, sanctuary, or department owned or maintained sites provided public access to inland or coastal waters.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 5.03 – SHOOTING RANGES:

STATUTORY AUTHORITY: 12 MRS Section 10104, 12701

PURPOSE: Establishing rules for Department owned shooting ranges to set clear expectation of behavior for the public and provide a mechanism for law enforcement to deal with users that display disrespectful or potentially dangerous behavior at ranges.

ANTICIPATED SCHEDULE: As necessary

CHAPTER 5.04 – STATE-OWNED BOAT LAUNCH FACILITY SITES:

STATUTORY AUTHORITY: 12 MRS Section 10104, 12701

PURPOSE: To provide the Department and public clear guidance on how water access facilities can be utilized.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 6 – EDUCATIONAL AND SCIENTIFIC COLLECTION PERMIT RULES:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12704

PURPOSE: To establish an application process for permitting the collection of fish and or wildlife for scientific purposes as well as reporting requirements, restrictions, etc.

ANTICIPATED SCHEDULE: As necessary

CHAPTER 7 -- RULES FOR IMPORTATION, POSSESSION, PROPAGATION, REHABILITATION AND EXHIBITION OF WILDLIFE:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12152.

PURPOSE: To ensure that all wildlife possessed under the following permits receive humane treatment and property husbandry and security and to safeguard the interests of the wildlife and citizens of the State.

Wildlife Exhibit Regulations: Food and water requirements; health conditions, safety, comfort, sanitation, etc.

Propagator's permit: Possession, care and use.

Wildlife Rehabilitation: Food and shelter requirements, disposition of rehabilitated animals, inspections, etc.

Wildlife Importation: Permitting standards, criteria, application process.

General Possession: Wolf hybrids in captivity.

ANTICIPATED SCHEDULE: As necessary

CHAPTER 8 -- ENDANGERED SPECIES:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12802

PURPOSE: Qualifications for consideration for listing species as endangered or threatened; review of listed species; designation of habitat as essential for those species designation criteria, protection guidelines, etc.

ANTICIPATED SCHEDULE: Every 8 years or as necessary. Last filing was with 127th Legislature (2015). October and filing during 131st Legislature.

CHAPTER 9 -- GENERAL SNOWMOBILE AND ATV (ALL-TERRAIN VEHICLES) REGULATIONS:

STATUTORY AUTHORITY: 12 MRSA Sections 10104

PURPOSE: Establish display requirements for registration numbers and stickers, and content of snowmobile registration.

ANTICIPATED SCHEDULE: As necessary

CHAPTER 10 -- SIGNIFICANT WILDLIFE HABITAT:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12804

PURPOSE: Definitions of significant wildlife habitat as described in Title 38

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 11 -- PROTECTION AND SAFETY OF SPECTATORS AT SNOWMOBILE RACES:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 13112

PURPOSE: Permitting of snowmobiles to be operated at a prearranged racing meet whose sponsor has obtained a permit to hold such a meet from the commissioner.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 12 -- ALL-TERRAIN VEHICLE PLATES AND RENEWAL STICKERS:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 13156

PURPOSE: Registration, safety, etc.; registration agents.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 13 -- WATERCRAFT RULES:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 13051

PURPOSE: Establish, registration procedures; accident reporting requirements; safety equipment on motorboats and other watercraft; water-skiing restrictions and operation rules between watercraft on internal waters.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 13.08 -- WATERCRAFT RULES:

STATUTORY AUTHORITY: Horsepower limitations on various bodies of water are governed by 12 MRSA, Section 13051, subsection 5

PURPOSE: Establish horsepower limitations to ensure the safety of persons and property (may be adopted only as a result of a petition from 25 citizens or the municipal officers of the towns/county commissioners of unorganized townships in which the waters are located).

ANTICIPATED SCHEDULE: Considered throughout the year as petitions are received-effective date to coincide with publication of the open water fishing regulations, if possible.

CHAPTER 14 -- COMMERCIAL WHITEWATER RAFTING:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12909, 12910, 12913

PURPOSE: Establish regulations for whitewater personnel requirements; safety equipment requirements; craft specifications; allocations and order of launch.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 15 -- INTERSTATE WILDLIFE VIOLATIONS COMPACT:

STATUTORY AUTHORITY: 12 MRSA §10103(2).

PURPOSE: The commissioner is authorized to enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of wildlife resources in the respective member states and may adopt rules necessary to implement certain provisions of the compact. Pursuant to this rule, the commissioner exercises this statutory authority and enters into the Wildlife Violators Compact on behalf of the State of Maine with any and all states legally joining therein in accordance with its terms.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 16 -- HUNTING

STATUTORY AUTHORITY: 12 MRSA §10104, VARIOUS.

PURPOSE: To ensure proper management of Maine's wildlife species through set season dates, bag limits and methods of harvest.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 16.07 -- DEER HUNTING (ANTLERLESS DEER PERMIT ALLOCATIONS)

STATUTORY AUTHORITY: 12 MRS §10104, 11152

PURPOSE: Antlerless deer permit numbers are adjusted by MDIFW on an annual basis by department biologists who consider deer harvest levels, biological metrics and indices, and estimates of winter severity when evaluating the status of the deer

population within each wildlife management district (WMD). Antlerless deer permit recommendations are based on removal rates of adult does that will stabilize, increase, or decrease deer densities.

ANTICIPATED SCHEDULE: May-June

CHAPTER 16.08 - MOOSE HUNTING (PERMIT ALLOCATIONS)

STATUTORY AUTHORITY: 12 MRS §11551, 11552

PURPOSE: Moose permit areas and numbers are adjusted on an annual basis in response to moose population estimates and population goals in each Wildlife Management District (WMD).

ANTICIPATED SCHEDULE: April

CHAPTER 16.11 – MIGRATORY GAME BIRD HUNTING

STATUTORY AUTHORITY: 12 MRS §10104, 11855

PURPOSE: To implement the Federal Migratory Bird Treaty Act which establishes the general guidelines within which the States are permitted to regulate the hunting of migratory game birds.

ANTICIPATED SCHEDULE: February

CHAPTER 17 – TRAPPING

STATUTORY AUTHORITY: 12 MRSA §10104, 12251.

PURPOSE: To ensure proper management of Maine's wildlife species through set season dates, bag limits and methods of harvest.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 18 -- STATE GAME FARM (MAINE WILDLIFE PARK):

STATUTORY AUTHORITY: 12 MRSA Sections 10104

PURPOSE: Establish restrictions on the use of the area designated as "state game farm", also known as "The Maine Wildlife Park".

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 19 -- OPERATION OF MOTOR VEHICLES ON PUBLIC WATER SUPPLY:

STATUTORY AUTHORITY: 12 MRSA Section 10104 and 22 MRSA Section 2649

PURPOSE: Restrict motor vehicles on the ice on public water supplies.

ANTICIPATED SCHEDULE: As petitioned.

CHAPTER 20 – TAXIDERMY LICENSE:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12952

PURPOSE: Establish license classifications, eligibility, examinations and restrictions.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 21 – LICENSING AND REGISTRATION AGENTS:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 10801

PURPOSE: Appointment of agents, application form and issuance, selection and operation standards, reporting requirements, etc.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 23 – YOUTH CAMP TRIP LEADER PERMITS AND JUNIOR MAINE GUIDE PROGRAM:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12860

PURPOSE: Application procedures, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 24 -- LICENSED GUIDES:

STATUTORY AUTHORITY: 12 MRSA Sections 10104, 12851

PURPOSE: Establish prerequisites for applicants to be examined for guide's licenses; establish classifications; examination process, standards of competency, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 25 -- LEASHED TRACKING DOG PERMIT RULES:

STATUTORY AUTHORITY: 12 MRSA Sections 10104

PURPOSE: Eligibility, testing, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

CHAPTER 26 – COMMERCIAL WILDLIFE PERMIT FOR AMPHIBIANS OR NONMARINE INVERTIBRATES:

STATUTORY AUTHORITY: 12 MRSA Sections 12159 and 12161

PURPOSE: To regulate the commercial harvest of amphibians and nonmarine invertebrates. Persons interested in collecting these species from the wild for the purposes of export, sale or commercial purposes are required to obtain a permit from the Commissioner.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 27 – ANIMAL DAMAGE CONTROL AGENT CERTIFICATE:

STATUTORY AUTHORITY: 12 MRS Sections 10104, 10053

PURPOSE: Rules for certification and standards of operation for individuals that become permitted under the Commissioner to assist the Department for the control of coyotes and other nuisance wildlife that exceeds normal funding and staffing levels within the Department.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 28 – EDUCATIONAL TRIP LEADER RULES

STATUTORY AUTHORITY: 12 MRS Sections 10104, 12863

PURPOSE: As a result of LD 1474 - An Act To Promote Outdoor Recreational Opportunities for Maine Students, the Department enacted rules to develop an educational trip leader advisory committee, application process and standards for permit revocation, suspension or denial.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 29 – SPECIES OF SPECIAL CONCERN

STATUTORY AUTHORITY: 12 MRS Sections 10105, 12152

PURPOSE: Establish criteria for determining when a species of fish or wildlife that is not an endangered species or a threatened species is of special concern including a category for species that are rare.

ANTICIPATED SCHEDULE: As necessary.

CHAPTER 25 (09-585) -- MAINE OUTDOOR HERITAGE FUND BOARD:

STATUTORY AUTHORITY: 12 MRSA Section 10301

PURPOSE: Schedule for grants; strategic plan, etc.

ANTICIPATED SCHEDULE: Throughout the year as necessary.

MISCELLANEOUS REGULATIONS: Other regulations necessary for the proper administration, implementation, enforcement and interpretation of 12 MRS, Chapters 901 to 941 - Throughout the year as necessary.