

# Notice of Agency Rule-making Proposal

ADVERTISE: May 8, 2019

AGENCY: 09-137 Inland Fisheries and Wildlife

CHAPTER NUMBER AND TITLE: Chapter 16 – Hunting (16.06, 16.12, 16.13)

PROPOSED RULE NUMBER:

**BRIEF SUMMARY:** The Department of Inland Fisheries and Wildlife is proposing amendments to hunting laws as they apply to submission of tooth and tissue samples when registering a bobcat. Otter and bobcat are governed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and must be registered and tagged by Department staff. To standardize requirements across species the Department is also proposing that all bobcat harvested by hunting be registered within 10 days. An amendment to furbearing animal possession, transportation and registration requirements will allow someone the ability to gift unregistered coyote pelts to someone else for registration and utilization of the pelt. To comply with newly enacted legislation, season dates for upland game hunting of certain species has been modified to begin on the last Saturday in September. A complete copy of the proposed rule is available by contacting the rulemaking contact person listed below.

**PUBLIC HEARING:** Wednesday, May 29, 2019 @ 5:30pm, Augusta Armory, Room 209, 179 Western Avenue, Augusta

**COMMENT DEADLINE:** June 10, 2019

**CONTACT PERSON FOR THIS FILING:** Becky Orff, Inland Fisheries and Wildlife, 284 State Street 41 SHS, Augusta, ME 04333; phone: 207-287-5202; fax: 207-287-6395; e-mail: [Becky.Orff@maine.gov](mailto:Becky.Orff@maine.gov)

**FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES:** No fiscal impact anticipated.

**STATUTORY AUTHORITY FOR THIS RULE:** 12 MRS 10104, 10954, 12301-A

**SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED** *(if different):*

**AGENCY WEBSITE:** [www.maine.gov/ifw](http://www.maine.gov/ifw)

**E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON:** [Becky.Orff@maine.gov](mailto:Becky.Orff@maine.gov)

\* Check one of the following two boxes.

*The summary provided above is for publication in both the newspaper and website notices.*

*The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State’s website. Title 5 §8053, sub-§3, ¶D & sub-§6.*

**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_  
*(authorized signature)*

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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# Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: 09-137 Inland Fisheries and Wildlife

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON:

Becky Orff, Inland Fisheries and Wildlife, 284 State Street 41 SHS, Augusta, ME 04333; phone: 207-287-5202; fax: 207-287-6395; e-mail: Becky.Orff@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 16 – Hunting (16.06, 16.12, 16.13)

STATUTORY AUTHORITY: 12 MRS 10104, 10954, 12301-A

DATE, TIME AND PLACE OF PUBLIC HEARING: Wednesday, May 29, 2019 @ 5:30pm, Augusta Armory, Room 209, 179 Western Avenue, Augusta

COMMENT DEADLINE: June 10, 2019

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

The Department of Inland Fisheries and Wildlife is proposing amendments to hunting laws as they apply to submission of tooth and tissue samples when registering a bobcat. To standardize requirements across species the Department is also proposing that all bobcat harvested by hunting be registered within 10 days. An amendment to furbearing animal possession, transportation and registration requirements will allow someone the ability to gift unregistered coyote pelts to someone else for registration and utilization of the pelt. To comply with newly enacted legislation, season dates for upland game hunting of certain species has been modified to begin on the last Saturday in September.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_ YES X NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

Otter and bobcat are governed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and must be registered and tagged by Department staff. To simplify regulations and standardize requirements across species, we propose that all bobcats harvested by hunting must be registered within 10 days, instead of 3 days as is the current rule. Currently, people that want to tan and/or sell a coyote pelt are required to register each coyote they harvest. We propose allowing unregistered coyotes to be gifted to people wanting to utilize these pelts. In order to comply with L.D. 265 (An Act To Increase Opportunities for Hunters, Anglers and Sporting Camps by Extending the Seasons on Upland Game) hunting seasons for snowshoe hare, gray squirrel, ruffed grouse, and bobwhite quail will begin on the last Saturday in September, rather than October 1<sup>st</sup>. Ring necked pheasant will also be included in the season date change.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

(including up to 3 primary sources relied upon):

Bobcat populations in Maine are healthy, but still need to be monitored closely to ensure that harvests are sustainable and not having a detrimental impact on populations. We require all otter and bobcats taken to be registered and tagged by Department staff, and our Department reports harvest trends of these species to U.S. Fish and Wildlife Service for annual CITES monitoring. In addition, we require a tooth sample from all otter and bobcat to monitor the age and gender of animals harvested. Coyotes are also abundant in Maine and valued for the important ecological role they play as a predator. However, conflicts can arise when coyotes kill pets, livestock, or game species. Fur trappers and hunters value the opportunity to pursue coyotes for their pelts and/or to reduce predation on white-tailed deer. Allowing the use of gifting unregistered coyotes will increase the utilization of this species.

ESTIMATED FISCAL IMPACT OF THE RULE: No fiscal impact anticipated.

**AMEND CHAPTER 16 RULES AS FOLLOWS:**

**09-137 DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**Chapter 16: HUNTING**

**16.06 Registration, Data Collection and Tagging of Big Game and Furbearing Animals**

**1. Data Collection; Mandatory Submission of Radio Transmitters, Collars, Ear or Wing Tags & Tooth Submission**

**E. Bobcat: Mandatory Submission of Teeth**

Whenever a bobcat is presented for tagging/registration, a lower lateral incisor, a lower canine, or the lower jaw that contains the lower canine and lateral incisor shall be submitted to the department by the person presenting the bobcat for registration. There shall be a tissue sample provided (from either the tongue or a muscle) and the tissue and tooth sample shall be labeled. The label shall include the following information:

- (1) Month and Year
- (2) Sex
- (3) Species
- (4) Method of take: either trapped or hunted
- (5) Town of kill

**2. Registration of Animals taken by hunting**

**B. Bobcat:** All raw skins of bobcat taken during the open bobcat hunting season shall be presented for tagging, by the person who harvested the bobcat, within 72 hours/10 calendar days of harvesting the animal.

**16.12 Upland Game and Furbearing Animal Hunting**

**4. Hunting Seasons, Daily Bag and Possession Limits for Upland Game**

Species	Open Hunting Season	Daily Bag Limit	Possession Limit
Snowshoe Hare	<del>Oct. 1</del> <u>Last Sat. in Sept.</u> – March 31 ( <del>Oct. 1</del> <u>Last Sat. in Sept.</u> - Feb. 28 on Vinalhaven Island Knox County)	4	8
Gray Squirrel	<del>Oct. 1</del> <u>Last Sat. in Sept.</u> - Dec. 31	4	8
Falconry Gray Squirrel Season	<del>Oct. 1</del> <u>Last Sat. in Sept.</u> – Feb. 28	4	8
Woodchuck	No Closed Season	No Bag Limit	No Possession Limit
Porcupine	No Closed Season	No Bag Limit	No Possession Limit
Ring Necked Pheasant	<del>Oct. 1</del> <u>Last Sat. in Sept.</u> - Dec. 31	2	4
Ruffed Grouse (Partridge)	<del>Oct. 1</del> <u>Last Sat. in Sept.</u> - Dec. 31	4	8
Bobwhite Quail	<del>Oct. 1</del> <u>Last Sat. in Sept.</u> – Dec. 31	4	8
Spruce Grouse	No Open Season		

## 16.13 Protocol for Big Game Registration Station & Furbearer Registration Agents

1. Scope
2. Establishment of Big Game Registration Agents and Operation of Stations
3. Establishment of Fur Registration Agents and Operations of Stations
4. How to Apply to Become a Big Game Registration or Fur Registration Agent:
5. Approval
6. Operating Agreement
7. Operating Standards for Stations
8. Performance Standards for Agents
9. ~~No Transfer of Agreements~~ **Termination of Agent Services**
10. ~~Termination of Agreement~~ **Furbearing Animal Possession, Transportation and Registration Requirements for Trappers**
11. ~~Termination of Agent Services~~
12. ~~Furbearing Animal Possession, Transportation and Registration Requirements for Trappers~~

### 10. Furbearing Animal Possession, Transportation and Registration Requirements for Trappers

- A. It shall be unlawful for any person to possess, sell, give away, buy, accept a gift, offer for transportation or transport out of the State of Maine the pelt of any fox, bobcat, marten, fisher, coyote, beaver, mink or otter unless each pelt receives a permanent fur tag. (seal). For the purposes of this rule, "pelt" means the skin of the animal, whether removed from or attached to the carcass. The tag utilized for otter and bobcat will be a CITES tag which must be affixed by a game warden or a biologist. Coyotes can be gifted without a permanent fur tag, if a tag is attached to coyote with the following information: person's name who harvested the coyote, hunting or trapping license number of the person who harvested the animal, harvest method (hunt or trap), harvest date, and harvest town. This information must be presented accurately to the tagging agent when the animal is registered. Coyote must be registered and a permanent fur tag affixed prior to being bought, sold, offered for transport out of state or transported out of state.
- B. **Transportation of furbearing animals prior to tagging:** Notwithstanding this regulation, any person who lawfully possesses the untagged pelt of any fox, bobcat, ~~or~~ coyote, beaver, mink or otter may transport that pelt ~~skin~~ within the jurisdiction of the state for purposes of pelt preparation and tagging. A temporary transportation tag must be attached to any pelt of a marten or fisher prior to being transported.
- C. **Registration of furbearing animals:** The pelts of all fox, bobcat, marten, fisher, coyote, beaver, mink and otter must be presented to a warden, or other agent of the Commissioner, and each pelt legally presented shall be registered. All information requested relating to the taking of each pelt shall be accurately and truthfully reported. A fee of 25¢ shall be paid for each pelt that is registered.
- D. **Time to register furbearing animal pelts taken by hunting and trapping:** The pelts of all fox, bobcat, marten, fisher, coyote, beaver, mink and otter must be presented for tagging within ten days after trapping season closes for that species. If there is an extended trapping season for that species, tagging is required 10 days after the end of the close of the extended season. Ten days following the close of the open trapping season, it shall be unlawful for any person to possess the pelt of any fox, bobcat, marten, fisher, coyote, beaver, mink or otter, which does not have attached to it the necessary tag.
  - (1) **Exception for bobcat and otter:** all bobcat taken during the open bobcat hunting season shall be presented for tagging, by the person who harvested the bobcat, within ~~72 hours~~ 10 calendar days of harvesting the animal; and all otter taken between January 1 through April 30 must be tagged within 10 calendar days of harvesting the animal.