

Notice of Agency Rule-making Proposal

ADVERTISE: May 8, 2019

AGENCY: 09-137 Inland Fisheries and Wildlife

CHAPTER NUMBER AND TITLE: Chapter 17 – Trapping (17.03, 17.06, 17.07)

PROPOSED RULE NUMBER:

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing changes to trapping rules to include the following: amend the definition of a covered float, extend the beaver trapping season in southern Maine by 15 days, add specified property in Fort Fairfield to the beaver closures in WMD 6, and adjust the muskrat trapping season to coincide with beaver trapping. In an effort to standardize requirements across species the Department is also proposing that all bobcat harvested by hunting and otter taken in beaver traps from January 1 to April 30 be registered by Department staff within 10 days of harvest. A lower canine may be submitted when presenting a bobcat for registration. An amendment to possession of pelts without fur registration tag requirements will allow someone the ability to gift unregistered coyote pelts to someone else for registration and utilization of the pelt. A complete copy of the proposed rule can be obtained from the rulemaking contact person listed below.

Date, time and location of PUBLIC HEARING: May 29, 2019 @ 5:30pm - Augusta Armory, Room 209B,
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

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

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 10104, 12251

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

AGENCY WEBSITE: www.maine.gov/ifw

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Becky.Orff@maine.gov

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.

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

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

The Department of Inland Fisheries and Wildlife is proposing changes to trapping rules to include the following: amendment to the definition of a covered float, extension of the beaver trapping season in southern Maine by 15 days, the addition of property in Fort Fairfield to the beaver closures in WMD 6, and an adjustment to the muskrat trapping season to coincide with beaver trapping. In an effort to standardize requirements across species the Department is also proposing that all bobcat harvested by hunting and otter taken in beaver traps from January 1 to April 30 be registered by Department staff within 10 days of harvest. A lower canine may be submitted when presenting a bobcat for registration. An amendment to possession of pelts without fur registration tag requirements will allow someone the ability to gift unregistered coyote pelts to someone else for registration and utilization of the pelt.

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

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

Revising the definition of a covered float so that floats must be surrounded by water will help ensure that floats are selective for catching mink and muskrat. Beaver populations have increased, resulting in landowners having to hire contractors to remove beaver causing property damage. We are proposing to extend the beaver trapping season by 15 days in southern Maine to allow trappers additional opportunity to sustainably harvest this species. Townships or portions thereof are opened and closed on an individual basis to manage local beaver populations within the general season framework in response to the amount of habitat, past harvests, and complaints of beaver damage to public property. The otter and bobcat populations in Maine are healthy, but still need to be monitored closely to ensure that harvests are sustainable. 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.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE:.

The Department regularly adjusts furbearer hunting and trapping regulations in response to emerging scientific information, changes in trapper participation, and biological data. Regional wildlife biologists consider requests from landowners to close areas to beaver trapping, in conjunction with the amount of habitat, past harvests, and complaints of beaver damage to public property. This information is used to develop a recommendation on closures for the upcoming trapping season.

ESTIMATED FISCAL IMPACT OF THE RULE: No fiscal impact anticipated

AMEND CHAPTER 17 RULES AS FOLLOWS:

09-137 DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

Chapter 17: TRAPPING

17.03 Definitions

9. **Covered Float:** means a float completely covered on the sides and top with solid material; or hardware cloth, screen, or other similar material having a mesh size no greater than 1/2-inch square. Covered floats must be completely surrounded by water when be set, placed, and tended, so that they are completely surrounded by water to reduce incidental catch of non-target species.

17.06 Seasons and Specific Information for Trapping of Furbearing Animals

2. Beaver Trapping

Beaver trapping season dates as well as open and closed areas are subject to change annually.

A. Beaver Trapping Season:

Beaver Trapping Season Dates by WMDs	
<u>2018</u>2019	
WMDs 1, 2, 3, 4	October 15 - April 30
WMDs 5, 6, 8, 9, 10, 11	October 29-27 – April 30
<u>WMDs 18, 19, 28</u>	<u>October 29</u> – April 15
WMDs 7, 12, 13, 14, 15, 16, 17, <u>18, 19</u>, 20, 21, 22, 23, 24, 25, 26, 27, <u>28</u>, 29	October 29 27 – March 31 <u>April 15</u>

B. Open and Closed Areas for Beaver Trapping:

(See season dates chart for WMDs above in 2.)

(1) Open and Closed Areas within WMDs:

WMD 1 (October 15 – April 30)
No closures within this WMD

WMD 2 (October 15 – April 30)
No closures within this WMD

WMD 3 (October 15 – April 30)
No closures within this WMD

WMD 4 (October 15 – April 30)
No closures within this WMD

WMD 5 (October 2927 – April 30)
The following town shall be closed but with the excepted part of the town open:
Trout Brook Twp., except north of Trout Brook.
The following towns shall be open but with the excepted part of the town closed:
Ashland, except unnamed brook on land owned by Artemus and Rosemary Coffin located north of Goding Road and west of Route 11.

WMD 6 (October 2927 – April 30)
The following towns shall be open but with the excepted part of the town closed:

Ashland, except section of Nowland Brook on land owned by Ronald Rushinal adjacent to the Nowland Road.
Castle Hill, except unnamed tributary to North Branch Presque Isle Stream on land owned by Melvin Johnson.
Land located on east side of Haystack Mountain and south of Route 163.
Fort Fairfield, except the property of Jane and Mark Stanford at 122 West Limestone Road containing a portion of Hacker Brook.

WMD 7 (October 2927 – March 31April 15)

The following towns shall be open but with the excepted part of the town closed:
Twp. 6 North of Weld, except Mud Pond and outlet.
Upton, except section of B Brook from the confluence with B Pond, downstream to the first road crossing.

WMD 8 (October 2927 – April 30)

The following towns shall be open but with the excepted part of the town closed:
Blake Gore, except Capehorn Pond.
Carrying Place Town Twp. (T2 R3 BKP WKR), except Black Brook Pond, flowage, and outlet downstream to the first gravel road.
Forsythe Twp., except Turner Pond.
Holeb Twp., except Fish Pond and tributaries.
Johnson Mountain Twp., except Markham and outlet to Route 201.
Pierce Pond Twp., except Black Brook Pond, flowage, and outlet downstream to the first gravel road.
Prentiss Twp., except Capehorn Pond.
Tomhegan Game Sanctuary, the Pittston Farm Game Sanctuary, the Moosehead Lake Game Sanctuary and Somerset Game Sanctuary shall all be open.

WMD 9 (October 2927 – April 30)

The following towns shall be open but with the excepted part of the town closed:
T2 R12 WELS, except for the property of Ben Bailey located from the intersection of the Sias Hill/Greenville Road and the western boundary of the T2 R12 WELS township line south to the T1 R12 WELS township line east along the southern boundary of T2 R12 WELS to the intersection of the T2 R12 WELS southern boundary and Gulliver Brook. From this intersection the property line follows Gulliver Brook northwest to Big Fisher Pond where the property line runs west to east across the middle of the pond where it then continues along the road at the outlet of Big Fisher Pond in a south then northwest direction to the Sias Hill/Greenville Road where the property line follows the Sias Hill/Greenville road in a southwesterly line to the western T2 R12 WELS township line boundary.

WMD 10 (October 2927 – April 30)

No closures within this WMD

WMD 11 (October 2927 – April 30)

No closures within this WMD

WMD 12 (October 2927 – March 31April 15)

The following towns shall be open but with the excepted part of the town closed:
Gilead, except Carlton Brook.
Hartford, except part of the west tributary to Little Bear Pond that runs through the property owned by Sylvia Mahoney. The closed beaver flowage is located on the northeast side of the Mahoney Road.
Twp. 6 North of Weld, except Mud Pond and outlet.

WMD 13 (October 2927 – March 31April 15)

The following towns shall be open but with the excepted part of the town closed:
Concord Twp., except Owen's Marsh and outlet to Route 16.

WMD 14 (October 2927 – March 31April 15)

No closures within this WMD

WMD 15 (October 2927 – March 31April 15)

The following towns shall be open but with the excepted part of the town closed:
Brownfield, except Shuther Brook from Peary Mt. Road downstream to Shepards River.
Cornish, except that portion of "the heath", and eastern tributary of Brown Brook, one-half mile eastward from Watson Hill Road.
Porter, except Thurston Brook from Kennard Hill Road to Bickford Pond and Mill Brook from Maine/New Hampshire border to Bickford Pond.
Waterford, except portion of Kedar Brook upstream of Route 37.
Otisfield, except Coon Swamp and tributaries.

WMD 16 (October 2927 – March 31April 15)

The following towns shall be open but with the excepted part of the town closed:
Mercer, except the land of David P. Van Burgel and Kathy J. Scott, which is located between the Hampshire Hill Road and the Rome Road and includes a portion of Hilton Brook.

Mercer, except that part of Bog Stream, which encompasses the Mercer Bog Wildlife Management Area as depicted on *The Maine Atlas and Gazetteer*.

WMD 17 (October 2927 – March 31 April 15)

The following towns shall be open but with the excepted part of the town closed:

Atkinson, except the flowage located on the east side of the Dorr Road and within the Bud Leavitt Wildlife Management Area.

Charleston, except the land of R. Christopher Almy, which includes a portion of South Gate Brook and a tributary to Hudson Brook.

Charleston, except the wetland located down the hill from the Charleston Correctional Facility and bordered by Route 15 and the Whiting Road, and completely within the Bud Leavitt Wildlife Management Area.

Hartland, except tributaries to Thompson Brook west and north of Route 23 that are on the property owned by John Studt.

Hermon, except the land of Herbert Bates bordered on the north by the Fuller Road, on the east by the New Boston Road, on the south by Route 2/100, and to the west by the Billings Road.

Skowhegan, except an unnamed bog located on the land of Sally Knight, east of the East Ridge Road and south of the Notch Road. It is south of Loomis Hill, west of Whittemore Hill, and north of Foster Hill.

WMD 18 (October 2927 – April 15)

No closures within this WMD

WMD 19 (October 2927 – April 15)

The following towns shall be open but with the excepted part of the town closed:

T3 ND, except Duck Lake Brook.

T4 ND, except Duck Lake Brook.

WMD 20 (October 2927 – March 31 April 15)

No closures within this WMD

WMD 21 (October 2927 – March 31 April 15)

The following towns shall be open but with the excepted part of the town closed:

Pownal, except tributary to Chandler River between Allen Road and Chadsey Road, and Chandler River between Poland Range Road and Lawrence Road.

WMD 22 (October 2927 – March 31 April 15)

The following towns shall be completely closed with no part of the town open:

Perkins Twp. (Swan Island)

The following towns shall be open but with the excepted part of the town closed:

Pittston, except the property owned by Judith Schuppien and Philip Brzozowski located on the west side of the Eastern River and south of the Caston Road.

Woolwich, except area encompassed by Walker Road to the south, the Mountain Road to the east, and the Old Stage Road to the north and west.

WMD 23 (October 2927 – March 31 April 15)

The following towns shall be open but with the excepted part of the town closed:

Etna, except wetland located east of Route 143, south of Interstate 95, west of the Etna/Carmel town line, and north of the South Etna Road.

Etna, except for the property of Cindy McKay and the wetlands located east of the Plymouth/Etna town line, north of Route 69, west of the West Etna Road, and south of Interstate 95.

Freedom, except wetlands located east of the North Palermo Road, south of the Sibley Road, west of Bennett Lane, and north of Hutchins Corner.

Montville, except the parcel of land owned by the Sheepscot Wellspring Land Alliance located north of the Burnham Hill Road, west of the Howard Road, south of the Penny Road, and east of the Halldale Road.

Montville, except land owned by the Sheepscot Wellspring Land Alliance located north of the Burnham Hill Road between Herb Jackson Road and the Mountain Road.

WMD 24 (October 2927 – March 31 April 15)

No closures within this WMD

WMD 25 (October 2927 – March 31 April 15)

The following towns shall be open but with the excepted part of the town closed:

Boothbay, except Meadow Pond located southeast of the Back Narrows Road and north of Route 96.

Bristol, except unnamed tributary to the Pemaquid River that passes through the land owned by James Deucher, north of the Rock Schoolhouse Road (Fire Road B 31-1).

Bristol, except Johnson's Meadow on Trout Brook, so called, to the Chamberlain Post Office.

Edgecomb, except area south of Lawrence Road (formerly Mill Road.), east of Parson's Creek, and west of Parson's Point Road and Route 27.

Edgecomb, except the wetland known as Hourglass Pond located east of Route 26, north of the Middle Road, south of the Town Hall Road, and west of the CMP powerline right-of-way, property of Betty Twarog.

Edgecomb, except Charles and Constance Schmid Land Preserve, a private land preserve that encompasses 766 acres located off of the Middle Road, Old County Road and Mount Hunger Road East, and Mount Hunger Road North.

Jefferson, except south of the Atkins Road, west of Route 215 to the town line, and west of the Egypt road to the Jefferson /Whitefield town line.

Northport, except the land of Ovid Santoro located east of State Route 52, north of the Northport/Lincolnton town line, north of Pitcher Pond, west of the thread of Sucker Brook, and south of Pitcher Road.

Rockport, except for the waterbodies known as “reflection ponds” located north of Park Street, on both the east and west side of Whitetail Drive, and on both the north and south side of Reflection Pond Road. All waterbodies within this subdivision shall be closed.

South Thomaston, except the land of C. M. Waterman, so called Towers Brook, west and north of Route 73, and south of the Grierson Road.

Warren, except from the beginning of the outlet stream at the north end of North Pond, northeasterly until the outlet stream crosses the Western Road. All flowages along the outlet stream, east of the North Pond and west of the Western Road, and north of the start of the outlet stream.

Whitefield, except the land owned by Paul and Mary Fournier located north of the Jewett Road in the Jefferson-Whitefield Sanctuary.

Whitefield, except the land owned by Lisa Tuttle, including the beaver flowage located along the west side of Weary Pond Road, just inside the boundary of the Jefferson-Whitefield Sanctuary.

Whitefield, except east of the Weary Pond Road to the Jefferson/Whitefield Town line, east of Hollywood Boulevard to the Jefferson/Whitefield Town Line, and south of the Hilton Road.

Note: Land in the Jefferson-Whitefield Sanctuary that is in the town of Whitefield will be open to beaver trapping except for the areas described above.

WMD 26 (October 2927 – March 31April 15)

The following towns shall be open but with the excepted part of the town closed:

Searsport, except flowage on the property of Richard and Joyce Stevens located south and east of the junction of the Mt. Ephraim road and the Nickels Road.

Stonington, except the land of Richards Marital Trust and Richards Community Property Trust, including Ames Pond and a portion of its inlet.

Swanville, except flowage located on the northwest corner of Swan Lake on the property owned by Alfred Miliano.

WMD 27 (October 2927 – March 31April 15)

No closures within this WMD

WMD 28 (October 2927 – April 15)

No closures within this WMD

WMD 29 (October 2927 – March 31April 15)

The following towns shall be open but with the excepted part of the town closed:

Frenchboro, except Long Island.

3. Muskrat Trapping:

A. Muskrat Trapping Season:

Muskrat Trapping Season Dates by WMDs	
WMDs 1, 2, 3, 4, 5, 6, 9, 10, 11	Early Muskrat Trapping Season Opens on Sunday 1 week prior to the General Fall Trapping Season and extending through the day prior to the opening of the General Fall Trapping Season.
Statewide	Opens the Sunday preceding the 1 st day of the regular firearm season on deer through December 31 st annually.
WMDs 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29	Ends March 31April 15 (coincides with late beaver trapping season)
WMDs 18, 19, 28	Ends April 15 (coincides with late beaver trapping season)

<p>WMDs 1, 2, 3, 4, 5, 6, 8, 9, 10, 11</p>	<p>Ends April 30 (coincides with late beaver trapping season)</p>
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*See [17.06](#) – 3. B. for Muskrat Trapping Restrictions after February 28.

17.07 Registration of Furbearing Animals

1. Data Collection; Mandatory Submission of Teeth

B. **Bobcat** - Whenever a bobcat is presented for registration, a lower lateral incisor, **lower canine**, or the lower jaw **that contains the lower lateral incisor** must 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

3. Possession of Pelts Without Fur Registration Tag

It shall be unlawful for any person to possess, sell, give away, buy, accept as 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. 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 coyote 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.**

6. Time Limits to Register Pelts

The pelts of all fox, bobcat, marten, fisher, coyote, beaver, mink and otter must be presented for tagging within 10 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. **There are 2 exceptions: Except that all bobcat taken by hunting shall be presented, by the person who harvested the bobcat, for tagging within 72 hours 10 calendar days of killing the animal; and all otter taken between January 1 through April 30 must be tagged within 10 calendar days of harvesting the animal.** 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.