og Department of Inland Fisheries and Wildlife

09-137 Department of Inlan	d Fisheries & Wildlife
2024-101: Chapter 16, Hunti	
Statutory Authority:	12 M.R.S. §§ 11551, 11552
Туре:	Routine Technical
Emergency?:	No
Fiscal impact:	No fiscal impact anticipated.
Principal purpose:	Moose permit areas are adjusted on an annual basis in response to moose
	population estimates and population goals in each Wildlife Management District (WMD). Department biologists use moose harvest levels, aerial surveys, and biological data to evaluate the status of moose within each WMD. This information is compared to publicly derived goals outlined in the moose management system to determine whether the population in an individual WMD should be stabilized, increased, or decreased. This allocation also addresses ongoing concerns about the impacts of winter tick on moose survival and productivity while continuing to provide hunting opportunity across Maine's moose range.
Basis Statement:	This rule is being adopted to establish the number of moose hunting permits to be issued for each Wildlife Management District (WMD) for the 2024 season. Permits may be valid for either antlered moose or antlerless moose depending on the WMD and specific season in which the permit authorizes hunting. Moose permit allocations are adjusted on an annual basis in response to moose population estimates and population goals in each Wildlife Management District (WMD). Department biologists use moose harvest levels, aerial surveys, and biological data to evaluate the status of moose within each WMD. This information is compared to publicly derived goals outlined in the moose management system to determine whether the population in an individual WMD should be stabilized, increased, or decreased. These recommendations are designed to achieve the goals of the 2017- 2027 Big Game Management Plan which are focused on population health, rather than managing for specific densities of moose. The attached memorandum from the Department moose biologist Lee Kantar outlines the moose population status and recommended actions by WMD.
	The Department advertised a proposal on March 6, 2024, and recommended issuing 4,105 permits statewide to meet moose harvest objectives. This included a total of 2,645 antlered moose permits, and 1,460 antlerless permits. The proposal also included 550 permits for the Adaptive Management Unit hunt referred to as WMD 4a which was implemented beginning in 2021. The only change of note from the 2023 season is for the WMD 4a adaptive hunt. Initially, the first two years of the adaptive hunt we had three one-week seasons. For the 2023 season, an additional fourth week was implemented where any hunters that were unsuccessful in each of the first three weeks could come back during the fourth week and have an additional six days of opportunity. We saw very minimal harvest resulted from the fourth week. There were 15 moose harvested out of potentially up to 400 hunters that were eligible to come back and hunt. Due to the effort required on the Department to host that moose hunt, we felt the added effort to host the fourth week of the adaptive hunt and reverts back to the three one-week seasons with a total of 550 antlerless permits.

A public hearing on the proposal was held on March 26, 2024, and no members of the public attended. One written comment was received on the proposal (attached). The comment was acknowledged and forwarded to the Commissioner's Advisory Council and staff for consideration.

The Commissioner brought forward the original proposal and the Advisory Council met on April 17, 2024, and of the six (6) members participating voted unanimously to adopt the proposal as presented.

09-137 Department of Inl	and Fisheries & Wildlife
2024-105: Chapter 16, Hunting	
Statutory Authority:	12 M.R.S. §§ 10104, 11855
Туре:	Routine Technical
Emergency?:	No
Fiscal impact:	There is a potential fiscal impact to registered Maine guides who guide sea duck hunters. By reducing the eider daily bag limit from 3 to 2, potential clients may decide to go to nearby states that retain the 3 eider per day limit.
Principal 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. This rule will protect migratory game birds from over-harvest by setting these limitations. Proposed adjustments to the migratory bird hunting seasons are based on a collaborative effort to collect and analyze data by the USFWS and state agencies.
Basis Statement:	These rules are adopted for the purpose of implementing 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. The policy behind the Federal Act and, therefore, behind these rules, is to protect the migratory game birds from over-harvest by hunters. Adjustments to the migratory bird hunting seasons are based on a collaborative effort to collect and analyze data by the USFWS and state agencies, including MDIFW. Information included in these analyses includes waterfowl banding information, harvest data, and population surveys. In addition, the Department communicates with a separate waterfowl council consisting of members appointed by the Commissioner of IFW, similar to the Commissioner's Advisory Council in that it is a subset of individuals representing each county in the interest of waterfowl hunters when developing waterfowl seasons and bag limits.
	 After receiving the framework from the United States Fish and Wildlife Service (USFWS), the Department's rule implements Maine's 2024/25 migratory bird hunting seasons by selecting season dates and bag limits for ducks, coots, mergansers, geese, crows and woodcock. The rule is similar to the previous year's final season framework with two notable changes. The first notable change is reducing the daily bag limit for eiders from 3 to 2. This change comes from concerns of seeing fewer eiders along the coast in the winter over the last few years. The second notable change is for the first segment of the coastal waterfowl hunting zone to begin on Saturday, October 5th. Traditionally, the season would start on October 1st. Starting the season on October 5th and ending on the first segment. A public hearing on the proposal was held on March 12, 2024, with 15 citizens attending (minutes attached). The Department presented the proposal and discussed the season frameworks and bag and possession limits. Five members of the public provide testimony. Those providing testimony were registered Maine guides expressing concern with the proposed reduction in the eider bag limit. A
	discussed the season frameworks and bag and possession limits. Five members of the public provided testimony. Those providing testimony were registered Maine

proposal (attached). The majority of the comments were in opposition to the proposed reduction in the eider daily bag limit and concerns that hunters would go to nearby states that retained the 3 bird limit. Two of the written comments were in reference to the crow season dates.

Department response:

Looking at Ebird data, surveys and bird counts the eider population has been trending down. Reviewing data from 2011-2022 there appeared to be a max decline of 30% in some areas. Based on this and expressed concern from members of the Waterfowl Council of reduced sightings on the coast, the Department moved forward with the original proposal of the reduction in the daily bag limit of eiders from 3 to 2. Crow season dates were also unchanged as the USFWS restricted the season to occur outside of the breeding season.

One amendment was made to the original proposal and that was the addition of the Brant season dates. The federal framework for the season was not available when the rule was proposed which was indicated in the advertisement. This is a 30-day season with a 1 bird limit.

The Commissioner moved forward with the amended proposal and the Commissioner's Advisory Council met on April 17, 2024, and of the six (6) members participating, voted unanimously to accept the proposal as amended.

09-137 Department of Inla	nd Fisheries & Wildlife
2024-116: Chapter 16, Hunting	
Statutory Authority:	12 M.R.S. §§ 10104, 110952
Туре:	Routine Technical
Emergency?:	No
Fiscal impact:	No fiscal impacts anticipated.
Principal purpose:	This rule aligns MDIFW rules regarding crossbow use with state statutes. Bows and arrows and crossbows are now both considered to be "archery equipment" in statute, and the rule incorporates this change in terminology and makes changes to allow crossbow use in most situations where only bows and arrows were previously permitted. Notably, this rule change allows for the use of crossbows broadly during the expanded archery season for deer and the fall turkey season. The rule impacts several town-specific hunting closures and modifies the rule regarding special closures to reflect the preferences of impacted towns. A section detailing the Eastport special hunt is repealed as this hunt no longer occurs.
Basis Statement:	This rule aligns MDIFW rules regarding crossbow use with state statutes. Bows and arrows and crossbows are now both considered to be "archery equipment" in statute (Public Law 2023 Chapter 239), and the rule incorporates this change in terminology and makes changes to allow crossbow use in most situations where only bows and arrows were previously permitted. Notably, this rule change allows for the use of crossbows broadly during the expanded archery season for deer and the fall turkey season. The rule impacts several town-specific hunting closures and modifies the rule regarding special closures to reflect the preferences of impacted towns.
	Previously, bows and arrows and crossbows were considered different classes of weapon, and as such, different rules and laws applied to each weapon type. With the increasing popularity of crossbow hunting and a desire to simplify regulations, rules and statutes were changed for a period of years to allow the use of crossbows more broadly and examine the impacts of this increased usage. Prior to these changes, a very small percentage of harvested animals were taken with a crossbow. Despite increased harvest, the regular archery season still accounts for just 4% of the total deer harvest, and the greater impact of the archery season due to increased use of crossbows does not pose any problems to deer management in Maine. IFW retains the authority to limit antlerless harvest in designated wildlife management districts during the regular archery season if concerns arise about excessive harvest of antlerless deer. This rule will allow for crossbow use during the expanded archery season for deer. Expanded archery hunting occurs primarily in developed areas of the state where firearms discharge ordinances prohibit hunting with firearms and where additional deer removal is desired. As seen during the regular archery season when crossbows were made widely useable, a significant increase in the expanded archery deer harvest is expected with this change. It is our desire to maintain lower deer numbers in these developed areas of the state, and an increase in expanded archery harvest would be beneficial.
	In the special hunts section, the rule impacts several town specific hunting closures and modifies the rule regarding the special closures to reflect the preference of the impacted towns. Language regarding the Eastport special hunt has been removed

because the hunt no longer occurs. The section describing special hunting requirements for archery hunters on Marsh Island in Old Town has also been repealed because the hunt no longer occurs. The City of Old Town was consulted along with local wildlife biologists as well as regional game wardens and they all concurred it should continue to allow the use of handheld bow and arrow only and not expand to the use of crossbows. The section also includes several special hunt locations that were currently in statute (12MRS, §11402). The Department will repeal the sections in statute next year in a law proposal as they are now consolidated within MDIFW rules.

A public hearing on the proposal was held on March 25, 2024, and no members of the public attended. No written comments were received.

After advertising, staff were made aware of minor edits that were overlooked. The proposal was amended under section 7. Deer Hunting Special Regulations and Closures, C. to include the following: The whole of Long Island in Long Island Plantation shall have a continual closed season on deer. This closure is currently listed in statute 12MRS, §11402 (3.)(H.) and was inadvertently left out of the original proposal. A grammatical error in section 7.E. and 16.08 Moose Hunting was also amended.

The Commissioner brought forward the amended proposal and the Advisory Council met on April 17, 2024, and of the six (6) members participating voted unanimously to adopt the proposal as amended.

09-137 Department of Inla	nd Fisheries & Wildlife
2024-141: Chapter 16, Hunti	
Statutory Authority:	12 M.R.S. §§ 11551, 11552
Туре:	Routine Technical
Emergency?:	No
Fiscal impact:	No fiscal impact anticipated
Principal purpose:	Cole crops (specifically broccoli) are grown on leased fields throughout Wildlife Management Districts 3 and 6 annually. Crop field locations change annually as required for commercial farming of this crop and thus damage to cole crops by moose changes to where the crop is planted. Expanding the location where the hunt can occur beyond the 10 towns previously listed in rule allows for continued response to moose damage throughout the entire growing area and remains critical to reducing wildlife-agricultural conflicts.
Basis Statement:	The Department of Inland Fisheries and Wildlife has amended Chapter 16 rules as they apply to the Depredation Hunt for moose. Depredation hunt locations were previously limited to ten (10) towns listed in the rule. Extending the locations to WMDs 3 and 6 will provide greater flexibility and increased ability to respond to immediate crop depredation by moose where it is happening outside the towns that were previously established in rule.
	Cole crops (specifically broccoli) are grown on leased fields throughout Wildlife Management Districts 3 and 6 annually. Crop field locations change annually as required for commercial farming of this crop and thus damage to cole crops by moose changes to where the crop is planted. Extending depredation moose hunt locations from the 10 specific towns to the entire area of WMDs 3 and 6 will provide greater flexibility and increased ability to respond to immediate crop depredation by moose where it is happening, and allows for continued response to moose damage throughout the entire growing area and remains critical to reducing wildlife-agricultural conflicts.
	No public hearing was held and no written comments were received on the proposed rule.
	The Commissioner brought forward the original proposal and the Advisory Council met on May 21, 2024, and of the seven (7) members participating voted unanimously to adopt the proposal as presented.

09-137 Department of Inl	and Fisheries & Wildlife
2024-161: Chapter 16, Hui	nting
Statutory Authority:	12 MRS 10104, 11152
Туре:	Routine Technical
Emergency?:	No
Fiscal Impact:	No fiscal impact anticipated.
Principal 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.
Basis Statement:	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.
	For 2024, we are increasing antlerless deer permits to 128,030 permits to be issued across 25 WMDs and one deer management subunit to meet our doe harvest objective of 16,532 does, which is 6.8% higher than 2023 due to lower harvest and higher winter survival. Doe harvest recommendations were largely unmet where needed in 2023 and increases across these districts are the result of steady population growth, under-harvest of does, and very mild winter conditions during the 2023-24 winter. WMDs 1, 2, 4, and 5 will be open to buck harvest only (aside from the Youth Hunt and regular archery season) as they remain under population objective and have low growth potential. In remaining WMDs, we recommend increases in antlerless deer permits in nearly all districts that had permits in 2023. We continue to issue additional permits in one deer management subunit in WMD 26. Deer management subunit 26a consists of portions of the towns of Brewer, Bucksport, Castine, Dedham, Holden, Orland, Orrington, Penobscot, and Verona. For subunit 26a, we are issuing 400 antlerless deer permits. We are removing deer management subunit 25a, which includes the towns of Arrowsic and Georgetown. Conflict levels in these towns no longer meet our criteria for permit issuance at the subunit level; additionally, WMD 25 typically has many extra permits that go unclaimed. The harvest of antlerless deer without a permit during the Youth Hunt and the regular archery season is allowed only in designated WMDs. Like 2023, all WMDs are designated as open to the harvest of antlerless deer without a permit during these seasons in 2024.
	A public hearing was held on June 10, 2024 and no members of the public were in attendance. One written comment was received (attached). In summary, the comment was in opposition to the proposed increase in permit numbers for WMD 18. The Department wildlife biologist, Nathan Bieber has been in contact with the constituent and discussed his concerns and the Department's deer management goals and objectives for that area. The Department's response to the comment is

that town level harvest data and population trends do not support the constituent's observations of a declining deer population in his area. This may be related to the habitat conditions where referenced. The Department was not in favor of his recommendation to split the WMD at this time as this was not something that was done routinely. It may be something to consider when working on the next Big Game Management Plan.

The Commissioner brought forward the original rule proposal and the Advisory Council gave their consent on June 26, 2024 and of the eight (8) members present, voted unanimously to adopt the proposal as presented.

09-137 Department of Inland Fisheries & Wildlife

2024-180: Chapter 1, Open Water and Ice Fishing Regulations 2024-181: Chapter 1-A, State Heritage Fish Waters

Statutory Authority:	12 MRSA, Sections 10104, 12452 & 12461
Туре:	Routine Technical
Emergency?:	No
Fiscal Impact:	No fiscal impact anticipated as a result of this rule.
Principal purpose:	These rules are designed to provide for the effective conservation and management of inland fish throughout the state and provide for a variety of fishing opportunities. The rules set specific season dates, bag limits, length limits, tackle restrictions, and other special regulations designed to accomplish fisheries management objectives. The list of proposals contains information regarding each rule change.
Basis Statement:	The Department of Inland Fisheries and Wildlife has adopted rules pertaining to the 2025 ice fishing and open water seasons. The State Heritage Fish Waters list has also been amended with the addition of four waters. These rules are necessary for the sound management and proper utilization of the State's inland fishery resource; this is, to provide for the fullest level of use of the resource without adversely affecting species distribution and abundance, thus ensuring that all benefits are retained. The rules set specific season dates, bag limits, length limits, tackle restrictions, and other special regulations designed to accomplish fisheries management objectives and are the result of the vetting process of the fisheries division law and rule committee. Biological information, public outreach, angler counts, survey results, and other available data on individual water bodies are reviewed when crafting these rules. These rules will have an effective date of January 1, 2025.
	The rulemaking packet was advertised to include 23 individual proposals presented in the following "theme" categories: State Heritage Fish Waters; Special Need; Salmonid Growth, Condition and Performance; Expanded Angler Opportunity; and Errors, Conflicts, and Confusion.
	A public hearing was held on July 15, 2024 (minutes attached) with one citizen in attendance. The Department also received 20 written comments from individuals/organizations (attached) which were acknowledged and forwarded to the Commissioner's Advisory Council as well as appropriate staff for consideration. A summary of public comment and testimony and the Department's response is attached.
	On August 1, 2024, the Commissioner brought forward the original rule packet for adoption by the Advisory Council. The seven (7) members present voted unanimously in favor to adopt the fishing regulations package for 2025 as presented.
	Copies of the publication will be available from license agents, on the Department's website or from the Department of Inland Fisheries and Wildlife, 353 Water Street, Augusta, ME 04333-0041. This body of rules is posted in its entirety on the Department's website and in a hard copy publication entitled Open Water & Ice

Fishing Laws and Rules (January 1, 2024 – December 31, 2024) and by authority of Title 12 MRSA, Section 12452, is an official consolidation of the open water and ice fishing rules as maintained by the Department in an electronic version and distributed through electronic means.

09-137 Department of Inlan	d Fisheries & Wildlife	
2024-250: Chapter 16, Hunti	2024-250: Chapter 16, Hunting	
Statutory Authority:	12 MRS, 10104, 12301-A	
Туре:	Routine Technical	
Emergency?:	No	
Fiscal Impact:	No fiscal impact anticipated as a result of this rule.	
Principal purpose:	The Department regularly adjusts furbearer hunting and trapping regulations in response to emerging scientific information, changes in hunter and trapper participation, and biological data. These changes clarify the tagging and registration of furbearers.	
Basis Statement:	During registration, a permanent fur tag is attached to the pelt and additional information is recorded, such as species, kill date, town, method, and who harvested the animal. The registration information is a valuable management tool to track annual harvests, as well as changes in species distribution and population indices over time. Historically, the rules for hunting and trapping were combined into one chapter (Ch. 4). In 2019, the hunting and trapping rules were separated into two chapters (Ch. 16 & Ch. 17), but some of the language for the registration of furbearers was transferred from trapping to the hunting rules. As a result, there was duplicate information in both hunting and trapping chapters, or language in the hunting chapter that only referred to trapping seasons. The proposed changes move the information pertaining to the possession, transportation, and registration of furbearers taken by hunting or trapping to C. 17 rules.	
	Although there are some exceptions, nine furbearer species must be tagged and registered prior to being bought, sold, or transported out of state, including red fox, gray fox, bobcat, marten, fisher, coyote, beaver, mink and river otter. The changes move the possession, transportation, and registration of furbearers to C. 17, Furbearers and Trapping. The rule changes will become effective July 1, 2025. The rule proposal was advertised on July 31, 2024. There were no written comments received on the proposal, and there was no one in attendance at the public hearing that was held on August 19, 2024.	
	On October 22, 2024, the Commissioner brought forward the original rule packet for adoption by the Advisory Council. The eight (8) members present voted unanimously in favor of adopting the proposal as presented.	

09-137 Department of Inland	d Fisheries & Wildlife
2024-251: Chapter 17, Trappi	ng
Statutory Authority:	12 MRS, 10104, 12301-A
Туре:	Routine Technical
Emergency?:	No
Fiscal Impact:	No fiscal impact anticipated as a result of this rule.
Principal purpose:	The Department regularly adjusts furbearer hunting and trapping regulations in response to emerging scientific information, changes in hunter and trapper participation, and biological data. The changes clarify the tagging and registration of furbearers.
Basis Statement:	During registration, a permanent fur tag is attached to the pelt and additional information is recorded, such as species, kill date, town, method, and who harvested the animal. The registration information is a valuable management tool to track annual harvests, as well as changes in species distribution and population indices over time. Historically, the rules for hunting and trapping were combined into one chapter (Ch. 4). In 2019, the hunting and trapping rules were separated into two chapters (Ch. 16 & Ch. 17), but some of the language for the registration of furbearers was transferred from trapping to the hunting rules. As a result, there was duplicate information in both hunting and trapping chapters, or language in the hunting chapter that only referred to trapping seasons. The proposed changes move the information pertaining to the possession, transportation, and registration of furbearers taken by hunting or trapping to C. 17 rules.
	Although there are some exceptions, nine furbearer species must be tagged and registered prior to being bought, sold, or transported out of state, including red fox, gray fox, bobcat, marten, fisher, coyote, beaver, mink and river otter. The changes move the possession, transportation, and registration of furbearers to Ch. 17, Furbearers and Trapping. The rule changes will become effective July 1, 2025. The rule proposal was advertised on July 31, 2024. There were no written comments received on the proposal, and there was no one in attendance at the public hearing that was held on August 19, 2024.
	On October 22, 2024, the Commissioner brought forward the original rule packet for adoption by the Advisory Council. The eight (8) members present voted unanimously in favor of adopting the proposal as presented.

09-137 Department of I	nland Fisheries & Wildlife
2024-273: Chapter 29, S	pecies of Special Concern
Statutory Authority:	12 MRS 10104, 10105
Туре:	Routine Technical
Emergency?:	No
Fiscal Impact:	No fiscal impact anticipated.
Principal purpose:	Public Law Chapter 65, titled "An Act To Amend Maine's Wildlife Laws Regarding Species of Special Concern" and enacted by the Governor on May 25, 2021, directed the Department to conduct rulemaking to "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. The rules may include different criteria for categories of species of special concern, including a category for species that are rare. The rules must list the species that meet the criteria established in rule. The commissioner shall use the list in administering section 12152 and may also use the list in administering any other laws or programs or when providing advisory recommendations to other entities or agencies on fish and wildlife matters in accordance with applicable laws or rules." The list of special concern species was established in rule in 2022 but requires regular updates due to changes in species taxonomy, conservation status, or changes to the state Endangered and Threatened species list. An update to the state Endangered Species list in 2023 requires the Special Concern List to be updated.
Basis Statement:	Public Law Chapter 65, titled "An Act To Amend Maine's Wildlife Laws Regarding Species of Special Concern" and enacted by the Governor on May 25, 2021, directed the Department to conduct rulemaking to "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. The rules may include different criteria for categories of species of special concern, including a category for species that are rare. The rules must list the species that meet the criteria established in rule. The commissioner shall use the list in administering section 12152 and may also use the list in administering any other laws or programs or when providing advisory recommendations to other entities or agencies on fish and wildlife matters in accordance with applicable laws or rules." The list of special concern species was established in rule in 2022 but requires regular updates due to changes in species taxonomy, conservation status, or changes to the state Endangered and Threatened species list. An update to the state Endangered Species list in 2023 requires the Special Concern List to be updated. The rule language will make several modifications to MDIFW rule chapter 29, including: Removal of 8 species from the special concern list because they have been added to Maine's Endangered Species List (effective 10/2023); Removal of 1 species from the special concern list due to improved conservation status (dragonfly); Update 3 species common names; Update 19 species scientific names or spelling; Addition of 3 species to the special concern list due to improved conservation status assessments that indicate they qualify for special concern status (flower flies). The rule proposal was advertised on October 16, 2024. There was no one in attendance at the public hearing that was held on August 19, 2024 and only one (1)

Audubon stating they were in favor of the proposed changes.

On December 4, 2024, the Commissioner brought forward the original rule packet for adoption by the Advisory Council. The eight (8) members present voted unanimously in favor of adopting the proposal as presented.