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Legislative Document

No. 1248

H.P. 882

House of Representatives, March 27, 2013

An Act To Establish Trail Standards in Deer Wintering Areas

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUNPHY of Embden.
Cosponsored by Representatives: BLACK of Wilton, DAVIS of Sangerville, FITZPATRICK of Houlton, GIFFORD of Lincoln, LONG of Sherman, MALABY of Hancock, WOOD of Sabattus.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §685-A, sub-§3, ¶F**, as amended by PL 1983, c. 114, §1, is
3 further amended to read:

4 F. Reflect a consideration of the availability and capability of the natural resources
5 base, including soils, topography or sufficient healthful water supplies; ~~and~~

6 **Sec. 2. 12 MRSA §685-A, sub-§3, ¶G**, as amended by PL 1995, c. 65, Pt. A,
7 §26 and affected by §153 and Pt. C, §15, is further amended to read:

8 G. Regulate, as necessary, motor vehicles as defined in Title 29-A, section 101,
9 subsection 42, on icebound inland lakes that are completely encompassed by
10 unorganized territories during the hours from sunset to sunrise of the following day;
11 and

12 **Sec. 3. 12 MRSA §685-A, sub-§3, ¶H** is enacted to read:

13 H. Incorporate standards for construction of all trails in deer wintering areas
14 established pursuant to section 10107, subsection 3.

15 **Sec. 4. 12 MRSA §10107, sub-§3** is enacted to read:

16 **3. Rules for trails in deer wintering areas; penalty.** The commissioner, in
17 consultation with the Maine Land Use Planning Commission and the Commissioner of
18 Agriculture, Conservation and Forestry, shall adopt rules establishing standards for the
19 construction of all trails within deer wintering areas identified pursuant to subsection 1.
20 The commissioner shall specify construction standards designed to minimize impact on
21 the deer in these areas.

22 A. Standards adopted by the commissioner under this subsection must ensure that
23 trails are designed, constructed and maintained to avoid erosion and sedimentation,
24 limit clearing of vegetation, limit structural development, protect deer from undue
25 disturbance during critical winter time and otherwise promote and protect deer
26 wintering habitat.

27 B. The Maine Land Use Planning Commission shall incorporate the standards
28 adopted pursuant to this subsection in land use standards prescribed under section
29 685-A, subsection 3.

30 C. A person who constructs a trail in a deer wintering area in violation of rules
31 adopted under this subsection commits a civil violation for which a fine of not more
32 than \$10,000 may be adjudged.

33 **SUMMARY**

34 This bill directs the Commissioner of Inland Fisheries and Wildlife, in consultation
35 with the Maine Land Use Planning Commission and the Commissioner of Agriculture,
36 Conservation and Forestry, to adopt rules that establish standards for the construction of
37 trails in deer wintering areas. This bill also directs the Maine Land Use Planning

1 Commission to incorporate these standards for the construction of trails in deer wintering
2 areas in the State's land use standards.