

DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE



ADMINISTRATIVE POLICIES



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## A1.1

### **INTRODUCTION: GUIDING PRINCIPLES**

Thank you for joining one of the best agencies in state government. You have joined a talented group of employees working for the conservation of Maine's fish and wildlife resources and caring for people who cherish those resources and engage in a variety of outdoor activities. For over one hundred years, outdoors people have supported our efforts both politically and financially. The future of Maine's fish and wildlife resources and the opportunity for people to enjoy Maine's outdoors depend on the support of you and the public. I believe that these principles can and must be applied by everyone if we are to continue our success as a highly effective fish and wildlife conservation Department.

**TEAMWORK:** We must be ONE DEPARTMENT, WORKING TOGETHER to achieve our mission.

This applies to working relationships with the people who sit next to you each day – other work units – other Divisions – other Bureaus.

Each person is important. Each person regardless of his or her profession and role in the Department makes a contribution to this Department and its mission. Each individual's success is essential to our success as a Department. Conversely, an individual's failure reflects poorly on the organization and you as a member of the organization. Individual success contributes to the building and maintenance of a highly effective Department.

We are a business. We exist because people feel that this Department is necessary. We are paid by the public to provide certain goods and services. If we do not provide the quantity and quality of products and services that our customers want, we won't stay in business.

**CONTINUOUS IMPROVEMENT** – In order to be successful, we must be open to continuous improvement. Everyone can and should be contributing to this effort. We need to hear about the good and the bad things that we are doing if we're going to maintain quality service. Ideas for changes can come from within or from the people we serve daily. We need to listen and accept those suggestions if it will improve the service we provide or make our jobs easier.

**COMMUNICATION** – I encourage each of you to advance your ideas and suggestions for improvement. To make change, we must allow for full and timely exchange of information. Chains of command are important in carrying out our day-to-day tasks but should not hamper free and open communications among employees at all levels of the Department, regardless of rank or administrative unit.

**LEADERSHIP** – Supervisors and managers are expected to be role models, facilitators and leaders. But, leadership is an individual responsibility as well. You and the people you work with, as well as senior employees, can and should exhibit leadership qualities. Listen to your coworkers and the public and seek ways to continuously improve your interactions with people. Encourage superior performance, don't accept the status quo. Recognize exceptional performance – a simple "thank you" means a lot. Address inappropriate behavior – poor behavior affects you – remember we are ONE DEPARTMENT in the public's eye.

**SERVICE MERITING PUBLIC CONFIDENCE AND RESPECT** – We work for the public. People who buy hunting and fishing licenses, register watercraft, register snowmobiles, and pay for other goods and service, pay our salaries.

Customer service and customer satisfaction are important. If we don't have the confidence and respect of the people we serve, we won't have their support. Without their support, we will simply go out of business.

People who do business with us generally believe we perform well.

We will make mistakes from time to time. When we make a mistake we will say so and learn from our mistakes. We need to realize that we might be wrong and evaluate our actions before we tell the public they are wrong. Just because it's the way we've always done it, doesn't necessarily mean it's right or the best way to do it.

Other times we may be technically correct but wrong in the public's mind. We need to think about how our actions appeal to or affect people. If there is doubt, if there are gray areas, or if we are treating people differently, I expect us to provide quality service to them.

**THANK YOU** – I am extremely pleased with the work you all do. I understand there is a lot of work and that sometimes the people you deal with are not on their best behavior. I also realize that there are many more happy people out there because of your exceptional work. I thank each of you for the contributions that you make daily to our Department's mandate "...to preserve, protect and enforce the inland fisheries and wildlife resources of the state..."

Lee E. Perry

Commissioner

December 2, 2002

Chandler E. Woodcock

Updated: January 3, 2017

A1.2

**DEPARTMENT OF INLAND FISHERIES & WILDLIFE  
ORGANIZATIONAL CHART  
MARCH 2016**



IFW 2016 03 Full Org  
Chart.pdf



## **DEPARTMENT POLICY REGARDING PUBLIC COMMUNICATION**

Personnel throughout the Department carry out widely differing roles in support of the Department's many responsibilities. Two roles that we all have in common are service to our customers and making the public more aware of our efforts, accomplishments and associated recreational opportunities. These can best be achieved through prompt helpful assistance, effective communications, and an active public outreach program.

Public satisfaction, confidence and support are vital to the success of Department programs. All customers shall be treated in a courteous and respectful manner, and offered assistance and information in a timely manner. Equally important is an attitude that conveys interest in people's views and finding ways of addressing specific concerns.

It is important that all employees pay particular attention to public inquiries, questions and concerns, and explore ways of responding to the affected person.

1. All personnel are expected to respond to questions concerning their responsibilities and seek opportunities to inform the public about their work. Information provided to the media and the public should be consistent with Department policy, position statements, and species assessments.
2. All personnel are encouraged to work closely with the Information and Education Division and to develop a close-working relationship with the public, local organizations and the local news media in order to increase the public's awareness of the Department's programs.
3. A request for information that is beyond an individual's scope of responsibility or knowledge should be referred to the appropriate individual. The individual who refers the request should share in the responsibility for making sure that the question is answered. When in doubt, refer it to your supervisor.

Specific requests of the following nature should be referred to the specified individual within the Department:

- a. Details of legislation to the Assistant to the Commissioner.
- b. Rule proposals to the Assistant to the Commissioner or person designated as the agency contact.
- c. Personnel matters to the Personnel Officer.
- d. Allegations of violation of law by the Department or its personnel to the Commissioner.
- e. Incidents of great public concern should be referred to the Director of Public Information and Education so that all facts may be gathered and presented to the public in a full and open manner.
- f. Requests citing the Maine Public Records Law or Freedom of Information Act to the Commissioner's Office.

g. Interpretation of laws to Chief Warden or Commissioner's Office.

4. All Department personnel shall exercise particular caution when communicating or making statements, pertaining to legislation and national, state and Department programs and policies, until such position statements have been issued or cleared by the Commissioner's Office in Augusta. When in doubt, refer it to the appropriate Bureau Director. Please remember that you represent the Department even when you are giving personal opinions, and you are expected to be aware and supportive of Department policies.

5. Correspondence, phone calls and e-mails shall be responded to in a timely manner. Written correspondence shall be acknowledged in 10 working days, phone calls in 24 hours and e-mails within 48 hours, unless on approved leave or the next day is not a workday. If not then, upon return to work following a weekend, holiday or scheduled days off. If unavailable, arrangement should be made to handle inquiries during the absence.

6. Customer satisfaction and effectiveness in communicating with the public will be a measure of employee performance for evaluation. Failure to abide by this policy may result in disciplinary action. Supervisors at all levels shall be responsible for media and community relation initiatives being carried out by subordinates. The Department will conduct surveys to determine levels of customer satisfaction.

## ADMINISTRATIVE POLICY ON ESTABLISHING RULES AND LAWS

This policy is established to create a standardized process for the development, review, and implementation of rules and statutes. It is designed to provide ample opportunities for input in the development of rules and statutes from IFW staff. It outlines the responsibilities of IFW staff and the steps necessary to conform to the Administrative Procedures Act while going through the rulemaking process and to conform to the Legislative process when going through the lawmaking process.

**BACKGROUND INFORMATION**

**Laws** are enacted through a process involving the Legislature and the Governor. Statutory proposals are developed with input from IFW staff through the process listed below titled, "LAWS AND RULES COMMITTEE & DEPARTMENT INVOLVEMENT".

**Rules** are adopted through a public process carried out in accordance with the Commissioner's legislative authorities (Title 12 MRSA, PART13, CHAPTERS 901-941,) and the Maine Administrative Procedures Act (MRSA 5, SECTIONS 8001-11008 Part 18 Chapters 375-377). All proposals must be appropriately advertised, made available for public review and comment, consented to by the Commissioner's Advisory Council, adopted by the Commissioner, reviewed by the Attorney General's Office for legality and filed by the Secretary of State. Once a rule is adopted, it has the force of law. Rules must be consistent with the Commissioner's regulatory authorities and existing statutory provisions.

**Routine Technical and Major Substantive Rules:** Public Law 1995, c.463 introduced a new element into the rulemaking process: legislative review of major substantive rules. Provisions of the law require that the Legislature, when assigning rulemaking authority to state agencies, differentiate between routine technical rules and major substantive rules. Routine technical rules proceed through the process described above in the "**Rules**" paragraph and in accordance with Title 5 Part 18. Notification of intent to "file" a major substantive rule must be made to the Legislative Council. When major substantive rules reach the adoption stage as described above they are labeled "provisionally adopted" and sent to the Legislature for final review by the Committee. At that point the Committee may hold a legislative public hearing to allow for public comment. If the Committee makes a proposal, approves of a proposed rule or an amended version of a rule, the Agency must file it for adoption with the Secretary of State. For additional information please see *Attachment #1 IFW Rulemaking Process Flow Chart*.

**LAWS AND RULES COMMITTEE FOR EACH BUREAU & DEPARTMENT THE INVOLVEMENT**

1. Each bureau (Resource Management and Warden Service) shall have a laws and rules committee, assign a chairperson for each committee and assign members for each bureau's committee. The selection of committee members should be made to create diverse geographic and functional representation on the committee for consideration. The composition of the committees shall be left to the discretion of the directors of the respective bureaus or divisions and the Commissioner. The committee's duties will be to accept proposals from field staff and review current laws and rules.

## ADMINISTRATIVE POLICY ON ESTABLISHING RULES AND LAWS

2. From this review, appropriate recommendations to amend current laws and rules, or create new ones, will be made.

Each bureau director shall assign one committee chairperson to chair the bureau's "laws and rules" committee. In addition, other staff members will be selected to create diverse geographic and functional representation on the committee. The composition of the committees shall be left to the discretion of the directors of the respective bureaus or divisions and the Commissioner.

3. The bureau director shall provide direction to all staff within their respective bureaus to submit law and rule proposals to the laws and rules committees in advance of the annual meeting. The following divisions shall each have a "laws and rules" committee that meets, to prepare any individual statutory proposals and/or rulemaking for consideration.

- Bureau of Resource Management:
  - Fisheries & Hatcheries Division:
    - Regulation Committee (review of regulations on individual waters)
    - In addition to Regulation Committee, a review of existing rules/laws shall take place annually. Ex: review of derbies & tournaments
  - Wildlife Division:
- Bureau of Warden Service:
- Licensing & Registration

4. Each laws and rules committee will convene at least annually to review all proposals that have been submitted from field staff. This meeting should be done no later than May to ensure that the legislative proposals are submitted to the Commissioner's office by June and further submitted to the Governor's office by September, in time to prepare for the upcoming legislative session. Any rule proposals must be reviewed to prepare for rule adoption. The other function of each bureau's laws and rules committee will be an ongoing review of the Department's statutes and rules, and the development of appropriate recommendations for additions, deletions, and modifications.

5. Once the review by each committee is complete, a decision will be made by the committee to recommend approval, denial, or to make modifications to the proposal, as appropriate.

6. The laws and rules committee will put each proposal on the proper submission form (provided by the Commissioner's office, a law/rule proposal form) and submit all proposals from that bureau to the bureau's director. Please see Attachment # 2 Law/Rule Proposal Form.

7. The bureau director will review the compilation of statutory and rule proposals and choose the appropriate proposals for submission to the Commissioner's office for another review.

## ADMINISTRATIVE POLICY ON ESTABLISHING RULES AND LAWS

8. Once statutory proposals are submitted to the Commissioner's office the Commissioner and/or Deputy Commissioner reviews the package of laws and rules proposals and will bring all proposals to senior staff for review. This gives all bureaus ample opportunity to see all recommendations from other bureaus and assess any impacts the proposals may have to the agency as a whole and/or impacts to other bureaus, prior to submission to the Governor's office. The Commissioner will make a final decision whether to proceed or not with rulemaking or legislation, and how the rule or statute language should be drafted. The process described is required of all statutory and regulatory recommendations whether the recommendations originate from the public, Commissioner's office, or other sources. (*Exception: a petition for a rule change from the public.*)

9. With input from senior staff, the Commissioner makes a final decision to move forward with rulemaking or present legislative proposals to the Governor's Office.

10. If necessary, the Commissioner's office will consult with the Attorney General's office to be certain that the Department has the authority to create a specific law or rule.

11. The Commissioner presents all law proposals to the Governor's Office. If the proposals are approved by the Governor's office, the initial drafts are submitted to the Revisor's Office for final drafting. The Commissioner's Office must find legislators to sponsor the legislation and then the draft language becomes a bill.

12. The bureau director will give notification on the final disposition of the laws and rules proposals to appropriate staff within each bureau, including the respective laws and rules committees.

### **NECESSARY PROPOSAL FORMS:**

#### **LAW PROPOSALS**

1) **Law/Rule Proposal Form:** All proposals originating from individual staff members within the Department or from the laws and rules committees shall be on a form provided by the Assistant to the Commissioner. If the bureau director decides to move forward with the proposal, they shall submit this form to the Commissioner's office. *Please see Attachment # 2 Law/Rule Proposal Form.*

2) **Legislative Proposal Form:** If the Commissioner decides to move forward with the proposal, this form is required by the Governor's office and shall be filled out and submitted by the Commissioner's office. *Please see Attachment # 3 Legislative Proposal Form.*

#### **RULE PROPOSALS:**

1) **Law/Rule proposal form:** All proposals originating from individual staff members within the Department or from the laws and rules committees shall be on a form provided by the Assistant to the Commissioner. *Please see Attachment # 2 Law/Rule Proposal Form.*

2) **Commissioner's Briefing Memo:** If the bureau director decides to move forward with the proposal, he or she shall fill out Part 1 of the Commissioner's briefing memo and submit it to

## ADMINISTRATIVE POLICY ON ESTABLISHING RULES AND LAWS

the Commissioner's office. If the Commissioner decides to move forward with the rule proposal, the Commissioner's office will submit the Commissioner's briefing memo to the Governor's office for approval. If the rule proposal is approved by the Governor's office, the bureau director will fill out Part 2 of the Commissioner's briefing memo and the Commissioner's office will complete a packet of forms provided by the Secretary of State's Office. *Please see Attachment # 4 Commissioner's Briefing Memo.*

# LAW & RULE PROPOSAL FORM

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**Staff Member Submitting Form:**

**Date Submitted:**

<b>Title:</b>	<b>Section:</b>
<b>Current Law/Rule Wording:</b>	

**What is the Problem with the Current Law or Rule?**

**Proposed New Wording:**

Please return to:

**Code:**

**Date:**

**DEPARTMENT:** Inland Fisheries and Wildlife

**BUREAU/AGENCY:** Commissioner's Office

**DATE SUBMITTED:**

**URGENCY/PRIORITY:**

**PRIMARY CONTACT PERSON NAME & PHONE:**

**BACK UP CONTACT PERSON & PHONE:**

**PROPOSED TITLE OF BILL:**

**DESCRIPTION OF BILL:**

**STATUTORY TITLES AFFECTED:**

**RECOMMENDED SPONSORS (and why they are recommended):**

"[Click here and type]"

**IS THIS A PROPOSED AGENCY BILL OR GOVERNOR'S BILL?**



**1. COSTS**

- a. Will this bill cost the state money due to additional expenses or reduced revenues including loss of federal matching funds?**

**If so, how much and what is the nature of the cost? "[Click here and type]"**

- b. Will it require an appropriation from the General Fund or a Dedicated Account?**

**If a Dedicated Account, which one? "[Click here and type]"**

- c. Has this request been included in your department's budget submission?**

**"[Click here and type]"**

**If yes, please attach a copy of that submission to this form.**

**2. REVENUE/SAVINGS/FEDERAL MATCHING FUNDS**

- a. Will this bill generate additional state revenue, savings or federal matching funds? N/A If so, how much, and in which FY? "[Click here and type]"**

- b. Will it be added to the General Fund or a Dedicated Account?**

**"[Click here and type]"**

- c. If a Dedicated Account, which one? "[Click here and type]"**

**3. FISCAL NOTE**

	<b>FY '13</b>	<b>FY '14</b>	<b>FY '15</b>
<b>Personal Services</b>	\$"[Click here and type]" \$"[Click here and type]"	\$"[Click here and type]"	
<b>Capital</b>	\$"[Click here and type]" \$"[Click here and type]"	\$"[Click here and type]"	
<b>All Other</b>	\$"[Click here and type]" \$"[Click here and type]"	\$"[Click here and type]"	

**4. STATE WORKERS**

**a. Will this proposal result in the state adding or eliminating any state workers?**

**If so, how many (estimated #)?** "[Click here and type]"

**5. RULES**

**a. Will this proposal result in new or revised rules for Maine's citizens and businesses?**

**b. Indicate if rule will be Substantive or Routine Technical?**

**If so, please justify:**

**6. LEGISLATIVE HISTORY**

- a. **Have similar bills been introduced in past sessions?**
- b. **What was the final disposition of each bill?**
- c. **What arguments were presented against it?**
- d. **Why were they unsuccessful? "[Click here and type]"**

**7. EFFECT ON STATE AGENCIES**

- a. **What other state government departments would be affected? Why?**  
"[Click here and type]"
- b. **What individuals at what agencies have been consulted? N/A**
- c. **Do they concur explicitly? "[Click here and type]" If not, why not?**  
"[Click here and type]"  
**Discuss:** "[Click here and type]"

**8. IMPACT - COUNTY AND/OR LOCAL GOVERNMENT**

- a. **Will this bill have any impact on county or local government?**  
**If so, please explain.** "[Click here and type]"
- b. **Will the bill require a 2/3 vote due to municipal mandate? No. If so, please indicate potential sources of revenue to cover the mandate, if adopted.** "[Click here and type]"

**9. IMPACT – INDIVIDUALS AND/OR BUSINESSES**

**How will this bill impact individuals or businesses?**

**If so, who?** "[Click here and type]"

**How?** "[Click here and type]"

- a. **Will it increase their costs, reduce their revenues, or create more work for them?**
- b. **Please explain.** "[Click here and type]"

**10. ORIGIN**

**Who is the source of this idea? (Agency, Constituents, Task Force, etc.)**

**11. INTEREST GROUPS**

- a. **What interest groups support this bill?**
- b. **What interest groups oppose this bill?**

**12. EMERGENCY or ANOTHER SPECIFIC EFFECTIVE DATE**

- a. **Does this bill require an emergency preamble or another specific effective date?**
- b. **Are there other reasons to accelerate the schedule of the bill's process?**

**13. PRESS**

**Would the agency recommend that this bill be announced through a Governor's press statement or event?**

**Discuss:** "[Click here and type]"

**REVIEWED BY:** "[Click here and type]"  
"[Click here and type]"

**DATE:**

**COMMENTS:** "[Click here and type]"

## A2.3

### **ADMINISTRATIVE GUIDELINES FOR PETITIONING FOR RULE CHANGE**

The Commissioner may, with the advice and consent of the Advisory Council and in conformity with the Administrative Procedures Act, and except as otherwise provided by Title 12 Chapters 701 to 721 (Inland Fisheries & Wildlife Laws), adopt, amend and repeal reasonable rules, including emergency rules, necessary for the proper administration, implementation, enforcement and interpretation of any provision of law that the Commissioner is charged with administering. Rulemaking proposals are usually initiated by the Commissioner based upon recommendations received from appropriate Department staff, by public petition, or by legislative action. The following guidelines are being implemented in accordance with Title 5 MRSA Section 8055, §2 in regards to the form and procedure for petition submission, consideration and disposition.

**Petition.** Any person requesting that the Department adopt, amend or repeal a rule shall submit a petition as prescribed in these procedures.

**Time for filing.** A petition may be submitted at any time.

**Form designated.** A petition shall be submitted, typewritten on a form provided by the Department or typewritten, double-spaced, on letter sized paper in accordance with the format specified in this procedure.

A petition may not address more than one subject area within a Chapter *as defined in the Department's annual regulations publication and should only address related subject areas.*

**Format for Petition.** The document shall clearly indicate that it is a petition to the Maine Department of Inland Fisheries and Wildlife for rule making.

The petition should be divided into five parts, with headings designated each part:

Part one (1) shall identify the petitioner. When the petitioner is an individual, the name, mailing address, municipality of voter registration, and phone number of the petitioner must be provided. If the petitioner is an organization or private group, part one shall contain the name, mailing address, municipality of registration, and phone number of the person who is designated as their official representative and contact relative to the petition. If the petitioner is a public agency, part one shall contain the name and address of the agency and the name, address and telephone of the agency's representative relative to the petition.

Part two (2) shall be headed "Request for Rule". Part two shall contain one of the following:

- a. If the request is for adoption of a new rule, a statement of that fact, followed by the title and specific language of the new rule.

b. If the request is for amendment of a current rule, a statement of that fact, followed by the Chapter and rule number and title of the rule being proposed for amendment. This shall be followed by the specific language of the current rule; any language to be deleted shall be ~~struck through~~ but clearly readable, and any language to be added by the proposed amendment shall be underlined.

c. If the request is for repeal of a current rule, a statement of that fact, followed by the Chapter and rule number and title of the rule being proposed for repeal.

Part three (3) shall be headed "Reason for Rule". Part three shall contain the reason why the petitioner believes the rule should be considered and the specific outcome of the proposal is expected to produce. If the Department has considered and denied a previous petition, any petition submitted within 18 months that addresses the same substantive issue shall specify any reason not previously considered which the petitioner believes should cause the Department to reconsider its decision.

The petitioner may also include other information in support of the proposal such as:

- a. Any statistical data or other justification supporting the reasons for the rule, with clear reference to any exhibits that may be attached to the petition;
- b. An identification of any group of people or segment of the public that the petitioner believes would be impacted by the rule and how they would be impacted;
- c. If the petitioner is a public agency or private organization, a summary of any public meetings held or any written comments offered by the public.

Part four (4) shall be headed "Signatures, Addresses and Municipality of Voter Registration". Part four shall contain:

- a. The original signature of the individual who circulated the petition; the month, day and year that the person signed the petition; and
- b. The original signature of any other person who supports the petition along with each person's printed name, mailing address, and municipality of voter registration.

**Number of Signatures Required:** A petition may be signed by one or more voters **except** in petitioning for rules governing the horsepower used to propel watercraft on the internal waters of the state. Then, a petition must be signed by the municipal officers of the municipalities in which the waters exist; or by 25 citizens of the municipality in which the water exists; by the County Commissioners of the county in which the waters exist if they are located in unorganized territory or 25 citizens of the unorganized territory in which the water exists.

**Verification and Certification required.** The names listed on each petition must be verified and certified in the same manner as provided in Title 21-A, Section 354, §7 prior to its presentation to the Department. That law requires that the circulator of a petition verify by oath or affirmation before a notary public or other person authorized by law to administer oaths, that all of the signatures on the petition were made in the circulator's presence and that

each signature is the signature of the person whose name that it purports to be and that each person is a resident of the place named in the petition; and requires that each municipality certify which names on a petition appear on the voting list of the municipality and shall strike out any names that do not satisfy the registrar that the person is a registered voter in that municipality.

**Filed with the Commissioner.** The original petition shall be filed by mailing or hand delivering to the Maine Department of Inland Fisheries and Wildlife, Commissioner's Office, 284 State Street, State House Station #41, Augusta, Maine 04333-0041.

**Receipt of Petition.** The petition will be considered as received upon delivery to the Commissioner's Office and will be date stamped upon receipt.

**Petitioner notified.** Within 14 days of receipt, the person identified in part one (1) will be notified in writing by first class mail that the petition has been received and whether or not the petition meets the requirements specified above. A copy of the notification will be provided to the Advisory Council.

**Petition Accepted and Processed.** If the petition meets the filing requirements and is signed by less than 150 registered voters, the Department will review the proposal and determine how it will respond to the proposal. Within 60 days of receipt of the petition, the petitioner will be notified in writing either that the petition is denied and the reasons for denial, or that the Department will initiate the rulemaking process.

If the petition meets the filing requirements and is signed by 150 or more registered voters, the Department will notify the petitioner of its intent to initiate rulemaking proceedings within 60 days of receipt of the petition.

**Rulemaking Process Initiated.** When the decision is made to initiate rulemaking, the proposal will be noticed for discussion with the Advisory Council in accordance with 12 MRSA Section 7033 and will be filed with the Secretary of State for advertising as required by the Maine Administrative Procedures Act, Title 5, Chapter 375.

The Petitioner will receive copies of any public notices at the time they are published.

If a hearing is held, the petitioner will be asked to explain the proposal and the basis for the request. Public comment will be received orally at the hearing and in writing at any time during the public comment period which starts when the rule is advertised and extends at least ten days following the hearing. If a hearing is not scheduled, one may be requested and will be held if five or more people request one during the required 30-day comment period.

Comments and recommendations will be solicited from the Advisory Council during the public comment period.

Following the public comment period, copies of all written comments, transcripts of the public hearings, and recommendations of the Advisory Council as well as any information



presented with the petition will be available and considered by the Department. Staff will analyze all available information and provide a recommendation to the Commissioner.

**Commissioner's Decision.**

After considering all available relevant information, the Commissioner will decide: 1) to adopt, amend or repeal the rule as proposed by the petition; 2) to adopt amend or repeal a rule which has been modified in response to concerns raised about the original proposal; or 3) to cease rulemaking and deny the request.

If the Commissioner decides to cease rulemaking, the petitioner will be notified in writing that the petition request is denied. The Advisory Council will receive a copy of the written decision.

**Advisory Council Decision.** The Commissioner may not adopt, amend or repeal a rule unless the Advisory Council concurs with the Commissioner's decision. Prior to completing the process required by the Maine Administrative Procedures Act, the Commissioner will request that the Advisory Council schedule the proposal for consideration during one of their public meetings. At the time of the meeting the Department will present the factual and policy basis for its decision and will ask the Council to consent to the rule that the Commissioner intends to adopt. The petitioner will receive notice of the meeting.

The council will decide whether or not to concur with the Commissioner's recommendation.

If the Council concurs with the Commissioner's decision to adopt, amend or repeal a rule, the adoption must occur within 120 days of comment deadline period.

If the Council fails to give their consent as requested by the Commissioner, the rule may be reconsidered, provided that any further action (adoption) occurs within 120 days of the comment period deadline.

**Adoption of Rule.** Following action by the Advisory Council, the adopted rule is forwarded to the Attorney General's Office for approval as to form a legality. Upon approval by the Attorney General, the rule is filed with the Secretary of State and may not become effective until at least five days following the date of filing. The petitioner will be notified upon final adoption.

## A2.4

### **ADMINISTRATIVE POLICY REGARDING RESPECT OF PRIVATE PROPERTY**

The personnel of the Department of Inland Fisheries and Wildlife, when engaged in their official activities, will respect the desires of landowners regarding access over and across private property when the landowner has made his or her desires known. Consequently, before Department personnel enter private land that is posted to “NO TRESPASSING,” the verbal permission of the landowner, a member of his or her immediate family, or agent, must be obtained. Department personnel responding to emergencies will be exempt from this requirement.

Where the landowner has not made his or her desires known, a reasonable attempt will be made to obtain verbal permission from the landowner or a representative of the landowner (if known) or verbal notification (your name, purpose for entering private property) will be given to an occupant of a home or business, if present, in the immediate vicinity of your point of entry onto private property. The verbal permission of the landowner, a member of his immediate family, or his agent must be obtained before crossing over or through any pasture or other enclosed area containing livestock or other domesticated animals.

Department personnel will respect the rights of the landowner, will complete their tasks in a professional and timely manner, and will not engage in extraneous activities that are not part of their assignment.

Under no circumstances should any markings or placement of signs be done without landowner permission, except when posting public health advisories or regulations.

Individuals involved in law enforcement, investigation of environmental permit applications or compliance, or safety operations will not be required to seek or obtain landowner permission. A warrant is required under some circumstances.

## INLAND FISHERIES AND WILDLIFE PUBLICATION PROTOCOL

It is an objective of this department to ensure the accuracy, consistency and professionalism of the publications that come from this department.

The following guidelines and procedures will now be standard operating measures for use by all department personnel when preparing any publication for distribution to the public. These guidelines are to be followed when preparing or editing any flyers, posters, brochures, leaflets or publications paid for with department funds.

- Department Logo (in color if the publication is in color)
- When printing the department name, use **COPPERPLATE GOTHIC BOLD** font
- Do not abbreviate Maine or Department
- **THE**, **OF** and **AND** are to be two font sizes smaller

Example: **THE MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
284 STATE STREET  
AUGUSTA, MAINE 04333-0041**

- Our web address will be included on the publication in the same font as described above also with “www” and “com” being two font sizes small than the rest of the web address text

Example: [WWW.MEFISHWILDLIFE.COM](http://WWW.MEFISHWILDLIFE.COM)

- When the publication is used on brochure racks, please locate title or publication’s banner in the topmost portion of the cover section
- For other documents (i.e. letters, memos) the general text will be left up to the staff preparing the document which font is to be used. Fonts for collateral can be used if the piece is directed at a specific target group. Such as the font “Kid Print” may be used for segments of a brochure intended for children, and other style additions may apply in a case-by-case basis.

All bureaus will establish a proofing committee (to be determined by the Director of that bureau) consisting of three people. The document will also be approved by the Information and Education Director before printing to ensure that all the information is factual, spaced properly, contains the elements described in this document and that all spelling is correct. No document will be sent out to the printer until each member of the bureau’s proofing committee and the Information and Education Director (or his designated staff member in his absence) have reviewed and initialed the proof.

## **DEPARTMENT BUSINESS CONTINUITY PLAN**

The Department of Inland Fisheries and Wildlife (IF&W) provides numerous programs and services to the people of the State of Maine. MRS Title 12, Part 13, Chapter 903 establishes the statutory basis for the Department and its operations. The principle mandate of the Department is to preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources.

In addition to the main office in Augusta (which is leased), there are seven (7) regional offices (Gray, Sidney, Jonesboro, Strong, Greenville, Enfield and Ashland), and a leased facility in Bangor that houses a warden division and the fisheries and wildlife research offices. In addition, there are numerous outlying facilities, most of which are owned, but in all cases are the full responsibility of the Department. They include:

- Ten (10) fish culture stations
- Over 100,000 acres of wildlife management areas in more than 150 properties, including over 250 seabird nesting island
- 37 wildlife sanctuaries for which we have management responsibility
- 222 buildings, structures, housing units, remote camps, etc.
- The Maine Wildlife Park located in Gray
- Swan Island historic site and management area in Richmond, which includes several historic buildings that are maintained by the Department
- Frye Mountain management area in Morrill
- 77 dams and 113 fishways (some of which we do not own, but have responsibility for)
- Two (2) float plane hangars and facilities (Greenville, Ashland)
- Governor Hill (Augusta) complex including the fish pathology laboratory, engineering building, storage buildings and the hatchery supervisor's residence.
- Nearly 100 (to date) aquatic access sites

The Department maintains valuable (monetary and non-monetary) information and records at its headquarters on 284 State Street in Augusta. The Department has prepared a business continuity plan in the event of a catastrophic event at its headquarters. As a result of this event and for planning purposes, it is assumed that the building would be completely destroyed and there is no power, phone, e-mail, or WAN (Wide Area Network) use. While temporary "disasters" (i.e., power, phone, e-mail outages) can be inconvenient, they are normally short-term and would not have an adverse impact to our critical operations.

The Department has considered all of its functions and feels that in the central office, licensing and revenue processing are most vulnerable to a catastrophic event. Other functions, such as hatchery operations, are not as vulnerable to power, phone, e-mail, or WAN disruption because they operate on gravity water feeds and have back-up power generation available. Other facilities and functions, while important, do not rise to the level of critical as the work is mainly performed in the field, as opposed to central office responsibility.

**Pre-emptive Planning** – All “critical data (shared spreadsheets and databases) is kept on shared drives on several servers at the Office of Information Technology (OIT). The Federal Street database is copied each night to a server also located at OIT. The data stored on the server at OIT is backed up nightly onto tape.

Inland Fisheries and Wildlife has its headquarters office, regional headquarters, storehouse, offices at Federal Street and the hatcheries, are on the WAN. The WAN is used primarily for e-mail, access to the World Wide Web, file transfers, and is our means of accessing our MOSES (Maine On-line Sportsman’s Electronic System) point of sale system hosted by OIT at the State of Maine.

MOSES is supported by the OIT Oracle Environment standard backup and disaster recovery procedures which are the same for every mission critical system. These may be found in the document titled “Oracle Environment” (see Appendix A, attached). All entry to MOSES is done via the Internet.

Failure of the WAN is our major concern. Should we lose our connection to the WAN, we can, conceivably, access our MOSES data via several dial-up PC’s. It would be possible to maintain some semblance of business by doing so, however, BIS does not permit a dial-up “back door” to the WAN. We have explored the possibility of having a broadband cable modem connection to the headquarters building to use in the event of a failure of the WAN. However, the cost and security issues make this impossible at this time.

Our data entry staff, to continue to use MOSES, could work from any location providing an adequate number of PCs and broadband access to the Internet.

Our accounting staff uses the Advantage system via WAN to perform necessary day-to-day accounting work (bank deposits, journal entry, payables, etc). Our employees also use the WAN for MS-TAMS entry. Should the WAN not function, there is no ability to work around these programs. Both require “inside firewall” access to servers, which would be beyond the control of IF&W.

The agents that sell our licenses presumably would not be affected by the disaster scenarios considered because they sell licenses through a local ISP and are not tied to the WAN. If their ISP was down, the agents could still sell licenses as they are provided paper back up licenses. Paper applications and files on hand at the Augusta headquarters that have not been entered into a computerized system would be lost. Much of this information is received from license agents who maintain paper copies of this information that can be provided as a part of the recovery process. Permit applications destroyed in an incident that have not been entered into the Departments computerized database would be lost. Since there is no practical way of backing up this information until it is computerized, any permit application process that is impacted by a major incident will likely have to be terminated and reinitiated.

**Communication Plan** – In the event of a catastrophic event, senior staff (Bureau Directors) will be notified by the Commissioner or his Deputy and instructed to meet at the Department’s facility on Federal Street in Augusta to assess the situation and initiate recovery actions. By law, the Deputy Commissioner may serve as Commissioner if the Commissioner is disabled or absent. The Commissioner may also appoint appropriate administrative staff to serve as Commissioner or Deputy if they are disabled or absent. If the Federal Street facility is also affected by the incident, the meeting will be held at the Department’s regional office in Sidney. Each facility has a listing of all Department personnel should the senior staff need to reach an employee at home or at any of the Department facilities. The Maine Warden Service is uniquely equipped with a number of communications modes (cell, radio) that will be utilized to coordinate the recovery initiative. The Department of Public Safety maintains the warden dispatch systems used to call wardens by radio. In addition, the Warden Service is part of the Disaster Response plan with the Maine Emergency Management Agency and will be involved in the implementation of the plan if the Disaster Response Team is called into action as the result of the incident.

**Immediate Response (24-72 hours)** – As stated, senior staff will meet as soon as practicable following the incident at the Federal Street office in Augusta. Information will be sent using available communications channels to all field operations units and agents of the Department explaining the situations, expected impacts on operations, and interim work around strategies and associated plans. Senior staff can use the phone directories available at all department facilities to contact employees. Part of that response would be to locate all paper documents and electronic messages that were forwarded to the Department’s headquarters since the catastrophic event and wait for direction as to where to forward that information.

The electronic records on the MOSES system will be reviewed to determine the status of accounts receivable and invoice agents. Discussions with the Department of Administrative and Financial Services will be initiated to locate replacement space and maintain basic administrative functions and associated systems. IT staff will determine PC and associated needs and reestablish connections to WAN as needed. Payroll would be replicated from previous payroll and distributed by the personnel officer.

**Mid-term Plan (2-6 weeks)** – A suitable replacement site would need to be found and staff set up and able to work within four weeks. Once that occurred, agents could forward their paper record and payments. Licensing and registration clerks could begin entering data and the financial staff could begin revenue processing and bill paying.

There would be no catastrophic impact to having a four-week delay in this work. Since our financial staff uses the systems of the State of Maine (Advantage, MS-TAMS) to do its work, it is assumed that these systems would be available and functioning. As previously discussed, the MOSES system has enough redundancy that no impact would be felt.

**Long-term Plan (8 weeks and beyond)** – It is anticipated that semi-permanent business operations will be in place and normal functions resumed. If necessary, work will continue on finalizing permanent office space arrangement and related needs as required. Approximately 15,000 square feet of office space would be needed to continue critical functions. It is assumed

that the leased space staff from the Department of Administrative and Financial Services would assist the Department in finding suitable space.

# Appendix A, Business Continuity Plan

## Oracle Environment Description

This document contains a description of the State of Maine Oracle Environment which the Office of Information Technology (OIT) maintains. It is intended to provide a high level look at the environment as a whole. The section titled "Hardware Configurations" contains detailed descriptions of the various servers and the Storage Area Network (SAN) specifications.

### Executive Summary

OIT provides an Oracle Environment for Oracle database applications. Modeled after industry's *n*-tier application model, it includes a database server, an application server, an Oracle webcache server, and a thin client. Both Intranet and Internet access is allowed. The goal is to provide high performance, availability and support to the State's Oracle Applications, and to share the costs involved.

- High Performance
  - The Database and Application Servers are built upon SPARC (RISC) processor technology, with a proven industry track record for high-performing systems. While all servers are sized to handle the anticipated peak loads driven by the applications, the servers all have multiple CPUs for speed and redundancy. Database servers, due to the intense workload, are configured with several CPUs.
  - The database development and production servers at EDOC are attached to an EMC CX600 storage array in a SAN configuration. Each server is attached to the SAN with multiple fiber connections for speed and load balancing.
  - Gigabit network connections between the production application and database servers.
  - 64bit version of the Oracle Database Software is available for higher performance.
  - Oracle's Partitioning option is available to boost the performance of large databases.
- High Availability / Support for 24x7
  - Over the next year, the production software environment at EDOC will be replaced with Oracle RAC.
  - Each server is connected to the SAN with multiple fiber connections for availability. The production database server has several to ensure high performance and availability.
  - All hardware in the SAN is fully redundant, and fully hot swappable. This includes disk drives, power supplies, power cables, storage processors, connections to the servers, etc.
  - Applications in the Oracle Environment are typically available for 24x7 availability, minus scheduled (and unscheduled) outages.
    - Average uptime is 99.94% for all non-scheduled outage time, 99.76% overall.
    - Each application will typically experience another outage for upgrade purposes, bringing overall availability to roughly 99.70%.
  - OIT also provides operations and database administration staff around the clock, monitoring the status of the environment, correcting problems when they occur.
  - Databases are fully available for use, even during nightly full backups.
- State of the Art Database Technology
  - The Oracle Environment uses Oracle Enterprise Edition software for the database and application server engines. This provides Maine with the most powerful engines Oracle has to offer.
- Business Continuity / Disaster Recovery
  - Daily, all databases have a full, online, backup performed. Backups older than two business days are sent off site for BC / DR.

With this service, the rates cover:

- All hardware purchase and maintenance costs
- All software licensing and maintenance costs (Oracle, Sun, etc)
- Server housing costs (power, backup generator, UPS, network connection, operational monitoring, etc.)



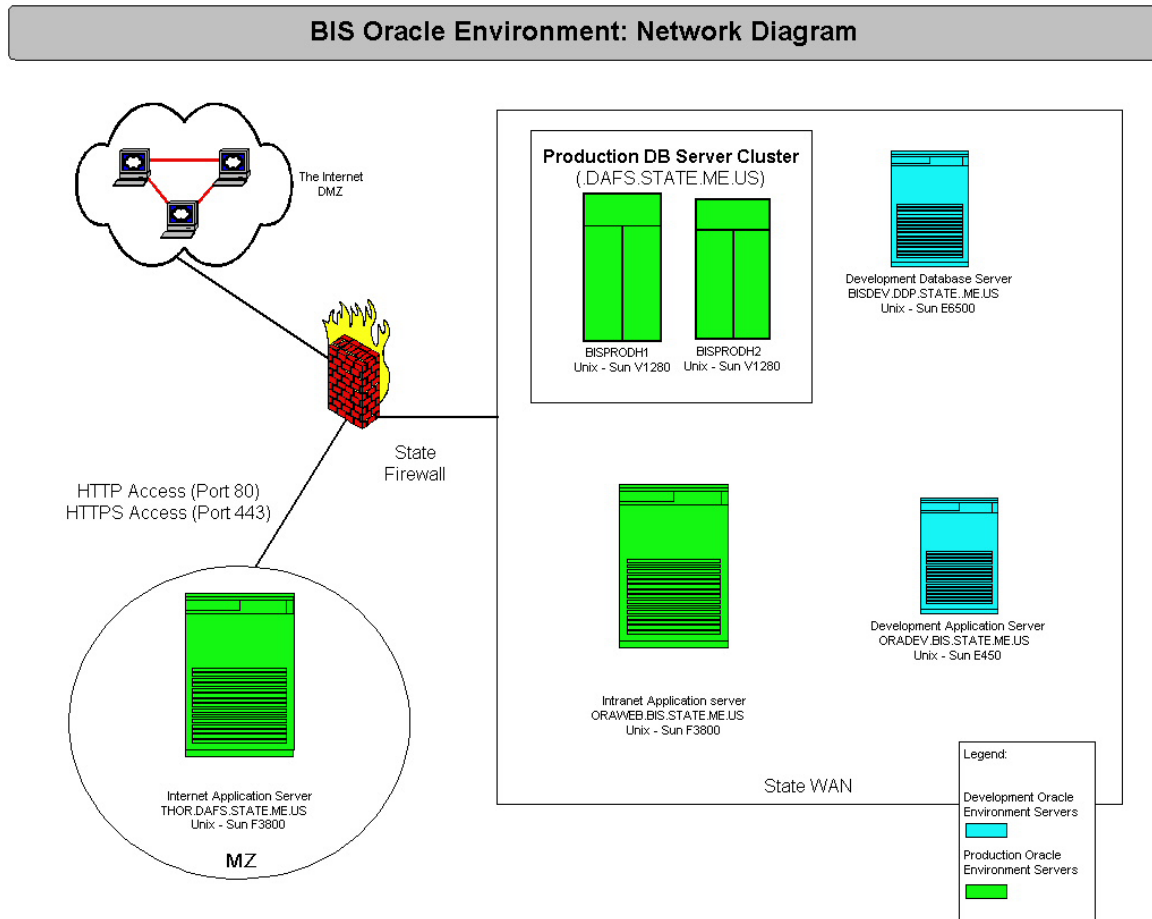
- Customer Support Center for Problem Reporting
- Operations / Unix Support Specialists
- Database and Application Server Administrators (to provide core database administration functions to keep the applications operational)

The rate structure was designed to fairly distribute charges among customers. This is accomplished by factoring in those items that contribute to the costs of the environment: storage, CPU / memory and licenses. The charges are calculated per database, and billed per application (an application will have multiple databases). There are four basic rates:

- Basic Application and Database – All databases are charged using this rate; it's based upon storage and concurrent sessions.
- Slow Storage Usage (Special Case Use Only) – This is in place for large graphical repositories, allowing for large amounts of data to be stored in an Oracle database without incurring high costs. Because graphical data is used differently than normal Oracle storage, cheaper (but slower) storage has been purchased for this. The rest of the database must reside in the normal storage arena.
- BC / DR Site for Non Oracle Environment Applications – With this rate, BIS will allow agencies to use the Oracle Environment as a hot site for their applications. Rates are based upon how often the applications are refreshed. This does not apply to Oracle Environment applications.
- Application Server Usage Only – BIS will now support the other agencies database servers with their application server. The caveat is that BIS assumes that each agency has a properly licensed database server.

## Network Diagram

The following network diagram shows the servers involved in the Oracle Environment.



## Hardware Configuration

The server hardware configuration is:

### SAN Hardware

#### CX600 Storage Array

Hardware Class:

EMC CX600

Connection:

SAN

RAM:

2 GB

Disk Capacity:

~7TB Usable

UPS:

Mitsubishi 2033A Series UPS (IBM UPS)

Additional:

Four IP Addresses:

1 for each Brocade Switch, 2 total.

1 for each Storage Processor, 2 total.

### Database Servers

#### Production Database Server Cluster

Bis-isa1dbboeh1.ddp.state.me.us

Hardware Class:

SunFire V1280

CPU:	8 x 900MHz SPARC III Processors
RAM:	64 GB
Disk Capacity:	36GB Internal (2 36GB Mirrored, HotSwap) 3811GB on EMC CX600 Storage Array, - Mirrored for Oracle Redo Logs (10k RPM) - RAID-5 for all other (10k RPM) - RAID-5 for imagery, documents (ATA)
Operating System:	Solaris 8
Tape Drives:	2 x 100/200 IBM Ultrium LTO
UPS:	Mitsubishi 2033A Series UPS (IBM UPS)
<u>Bis-isa1dbboeh2.ddp.state.me.us</u>	
Hardware Class:	SunFire V1280
CPU:	8 x 900MHz SPARC III Processors
RAM:	64 GB
Disk Capacity:	36GB Internal (2 36GB Mirrored, HotSwap) 3811GB on EMC CX600 Storage Array, Shared w/all servers in cluster
Operating System:	Solaris 8
Tape Drives:	2 x 100/200 IBM Ultrium LTO
UPS:	Mitsubishi 2033A Series UPS (IBM UPS)

#### Development Database Server

<u>bisdev.ddp.state.me.us</u>	
Hardware Class:	SunFire V1280
CPU:	8 x 1.2GHz Ultra SPARC III Processors
RAM:	64 GB
Disk Capacity:	13.5GB Internal 1752GB on EMC CX600 Storage Array
Operating System:	Solaris 9
Tape Drives:	2 x 100/200 IBM Ultrium LTO
UPS:	Mitsubishi 2033A Series UPS (IBM UPS)

#### Production Application Servers

<u>boeoasprod1.dafs.state.me.us</u>	
Hardware Class:	Sun SunFire v440
CPU:	4 x 1.3GHz Ultra SPARC III Processors
RAM:	8 GB
Disk Capacity:	51.8GB Internal
Operating System:	Solaris 9
Tape Drives:	
UPS:	Mitsubishi 2033A Series UPS (IBM UPS)
<u>boeoasprod2.dafs.state.me.us</u>	
Hardware Class:	Sun SunFire v440
CPU:	4 x 1.3GHz Ultra SPARC III Processors
RAM:	8 GB
Disk Capacity:	51.8GB Internal
Operating System:	Solaris 9
Tape Drives:	
UPS:	Mitsubishi 2033A Series UPS (IBM UPS)

bis-isa1weboex1.dafs.state.me.us (Internet)

Hardware Class: Sun SunFire v210  
CPUs: 1 x 1GHz Ultra SPARC III Processors  
RAM: 2 GB  
Disk Capacity: 62.9GB Internal  
Operating System: Solaris 9  
Tape Drives:  
UPS: Mitsubishi 2033A Series UPS (IBM UPS)

bis-teaqweboex2.dafs.state.me.us (Internet)

Hardware Class: Sun SunFire v210  
CPUs: 1 x 1GHz Ultra SPARC III Processors  
RAM: 2 GB  
Disk Capacity: 62.9GB Internal  
Operating System: Solaris 9  
Tape Drives:  
UPS: Mitsubishi 2033A Series UPS (IBM UPS)

bis-isa1wsboei1.dafs.state.me.us (Intranet)

Hardware Class: Sun SunFire v210  
CPUs: 1 x 1GHz Ultra SPARC III Processors  
RAM: 2 GB  
Disk Capacity: 62.9GB Internal  
Operating System: Solaris 9  
Tape Drives:  
UPS: Mitsubishi 2033A Series UPS (IBM UPS)

bis-teaqwsboei2.dafs.state.me.us (Intranet)

Hardware Class: Sun SunFire v210  
CPUs: 1 x 1GHz Ultra SPARC III Processors  
RAM: 2 GB  
Disk Capacity: 62.9GB Internal  
Operating System: Solaris 9  
Tape Drives:  
UPS: Mitsubishi 2033A Series UPS (IBM UPS)

Development Application Servers

boeostest.dafs.state.me.us

Hardware Class: Sun SunFire v440  
CPUs: 4 x 1.3GHz Ultra SPARC III Processors  
RAM: 8 GB  
Disk Capacity: 51.8GB Internal  
Operating System: Solaris 9  
Tape Drives:  
UPS: Mitsubishi 2033A Series UPS (IBM UPS)

bis-isa1wsboei1.dafs.state.me.us (Intranet)

Hardware Class: Sun SunFire v210  
CPUs: 1 x 1GHz Ultra SPARC III Processors  
RAM: 2 GB  
Disk Capacity: 62.9GB Internal  
Operating System: Solaris 9

Tape Drives:  
UPS:

Mitsubishi 2033A Series UPS (IBM UPS)

## Supported Software Configuration

### Database Servers (all)

Oracle Enterprise Server engines (w/database listener)

- 10.2.0.1.0, 64bit (new development)
- 10.1.0.4.0, 64bit (new development)
- 10.1.0.3.0, 64bit (backward compatibility)
- 9.2.0.4.0, 64bit (new development)
- 9.0.1.3.0, 32bit (backward compatibility)
- 8.1.7.3.0, 32bit (backward compatibility)
- 8.1.6.3.0, 32bit (backward compatibility)

### Application Servers

Install	Product	Oraweb	Thor	Oradev
Developer Server 6.0	Forms 6.0	Y		Y
	Reports 6.0	Y		Y
9iAS R1	HTTP Server	Y	Y	Y
	HTTP Server, SSL	Y	Y	Y
	Forms 6i	Y		Y
	Reports 6i	Y		Y
	Discoverer 4i Plus			Y
	Discoverer 4i Viewer			Y
Infrastructure 9.0.2	Single Sign-On			Y
9iAS R2, 9.0.2	HTTP Server	Y	Y	Y
	HTTP Server, SSL	Y	Y	Y
	Forms 9i	Y	Y	Y
	Reports 9i	Y	Y	Y
	Discoverer 9i Plus	Y		Y
	Discoverer 9i Viewer	Y		Y
9iAS R2, 9.0.3	HTTP Server		Y	Y
	HTTP Server, SSL		Y	Y
	Oracle Enterprise Mgr	Y	Y	Y

**Remote Meeting Participation Policy of Maine Department of Inland Fisheries & Wildlife  
Boards and Commissions**

**1. Purpose**

The following serves as the Maine Department of Inland Fisheries & Wildlife (MDIFW) policy regarding all Department Boards and Commissions and the means by which members, Department staff and the public may participate in meetings of the MDIFW Board or Commission.

**2. Definitions**

**In-person meetings.** In-person meetings are meetings in which all members of the Board or Commission and all members of Department staff and members of the public are located within the same physical space.

**Remote meetings.** Remote meetings are meetings in which all members of the Board or Commission and all members of the Department staff and public participate by telephonic, video, electronic or other similar means of communication that allows an individual to participate in a meeting without being physically present.

**Hybrid meetings.** Hybrid meetings are meetings where Board or Commission members, Department staff, and/or members of the public may participate either in-person or remotely.

**3. In-Person Meetings**

Members of the Board or Commission and Department staff are asked to be physically present for public meetings except when that is not practicable. Situations in which physical presence of an individual may not be practicable include:

- a. The existence of an emergency or urgent issue that requires the Board or Commission to meet by remote methods – meeting notification requirements and public participation are not waived in matters of emergency or urgency.
- b. Concern based on individual health risks associated with in-person participation.
- c. Illness, physical condition, or travel complications that cause an individual significant difficulty attending in-person
- d. Significant distance or weather that impedes travel

If a member of the Board or Commission finds it is not practicable to participate in-person, for any reason listed above, they must notify the Commissioner or Commissioner’s designee as soon as possible. The Commissioner or Commissioner’s designee may authorize remote participation of the individual(s) by means facilitated by the Department. Remote participation of Board or Commission members and Department staff must be consistent with the provisions of the following section.

**4. Remote and Hybrid Meetings**

The Department strongly encourages in-person participation. Exceptions are meant to afford members with the ability to participate remotely on an occasional basis when there are extenuating circumstances. In recognition of the value of diverse public input, the Commissioner, in consultation with the Chair of the Board or Commission, may choose to conduct any public meeting in a remote or hybrid manner, pursuant to this policy, when:

- a. the geographic location of the project area(s) and community(ies) affected by Board or Commission discussion causes significant difficulties for members of the public traveling and attending in-person; or
- b. the anticipated level of public interest cannot be supported by suitable venues for in-person meetings; or
- c. Board or Commission members find it is not practicable to participate in-person for the reasons provided in the preceding section.

The following applies to all remote and hybrid meetings undertaken by MDIFW Boards and Commissions in conducting their official business.

- a. To the extent required by law or otherwise practicable, all other requirements, policies and practices applicable to Board/Commission meetings apply.
- b. A Board/Commission member who is participating remotely is considered present when on camera for the purposes of a quorum and voting.
- c. Board/Commission members, staff and invitees listed as presenters or participants on the agenda must be able to hear and speak to all other members. Participants are asked to mute their microphones unless they are speaking.
- d. All votes taken during a remote or hybrid Board/Commission meeting must be taken by roll call vote.
- e. When remote participation is provided for members of the public, members of the public must have a meaningful opportunity for participation substantially equivalent to opportunities provided at in-person meetings.
- f. A technical failure on the part of a person that interrupts that person's electronic or telephonic connection to the meeting or proceeding does not invalidate any action taken by the Board/Commission or Department at that meeting.
- g. Participants in a remote or hybrid meeting must not transmit as part of their video any sign, logo, slogan, images, props or paraphernalia, except State of Maine agency or applicant logos or pictures or visual aids that are commonly used in presentations necessary for the Board/Commission to conduct its business.
- h. Members of the public wishing to offer questions or comments may not do so unless called upon by the Chair.
- i. Remote technology which requires a social media account, or software or membership that must be purchased will not be employed as the sole method of attending remote meetings.
- j. Comments and remarks included in a "chat" or similar medium are not part of the meeting record unless recognized by the Council Chair or Commissioner.



## Employee FOAA Request Procedure Form

Employee Name: \_\_\_\_\_

Requester Name: \_\_\_\_\_

Subject of Request: \_\_\_\_\_

FOAA Coordinator: \_\_\_\_\_

Please check below indicating that the following have been completed:

### Document Identification:

hand-search of paper records pursuant to IFW FOAA Policy Section 7 a.

search for electronic mail pursuant to IFW FOAA Policy Section 7 b.

search for other electronic records pursuant to IFW FOAA Section Policy 7 c.

Were responsive records identified? yes no

### Identification of Records Not Subject to Public Access:

Were records identified pursuant to review under IFW FOAA Policy Section 8 a. yes no

If yes, was the FOAA Coordinator advised of the records that may not be subject to public access  
yes no

If yes, records protected in their entirety must be removed from the records to be produced to the requestor, and records not protected in their entirety must have confidential or privileged portions redacted.

If yes, records not produced or redacted must be listed in a privilege log provided as an attachment to this form.

Provided responsive records to the designated coordinator on the following date: \_\_\_\_\_

### Information necessary for IF&W to invoice is as follows:

Time spent searching, retrieving, compiling, redacting, and copying/scanning: \_\_\_\_\_

\*\*\* FORWARD TO FOAA COORDINATOR UPON COMPLETION\*\*\*

## A2.5

**Access to Public Records Under the Maine Freedom of Access Act****1. SCOPE AND APPLICABILITY.**

This policy applies if a request for information is made in which the requester specifically states that their request is made pursuant to the Maine Freedom of Access Act (FOAA) (1 M.R.S. chapter 13, subchapter 1), or if it is apparent that the requester intends that a full and complete search of records potentially held by Inland Fisheries & Wildlife's (IFW) be made. This policy also applies whenever an IFW employee has any reason to believe that the records requested by the member of the public contain confidential or otherwise protected information. *This policy does not apply to the routine requests from a customer for information that is readily available, such as copies of licenses, permits, law books, educational material or other readily available published information that is provided to the public daily, or for specific questions asked by any person. The policy will apply when the request submitted is more formal or makes reference (either explicitly or implicitly) to FOAA requirements, or when circumstances suggest a formalized process would be in the interests of the requestor or IFW. In the majority of interactions with the public where a request for information is made employees shall try to answer questions, provide access to readily available and non-confidential documents, and direct them to the right person who can provide the information.*

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**2. PURPOSE.**

It is the purpose of this policy to provide standard guidelines for employees of IFW who are responding to records requests and to ensure that all public records requested are produced in accordance with State law.

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**3. DEFINITIONS.**

- a. **Public Access Officer ("PAO"):** Means an employee assigned and responsible for coordinating the response to FOAA requests for the department as well as providing training and support regarding FOAA law.

- b. **Public Record.** Means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or audible comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except for records that are excluded from the definition of public records under FOAA law, such as records designated confidential by statute, records that would be within a scope of a privilege against discovery or used as evidence recognized by Maine courts in civil or criminal trials if the records were sought in the course of a court proceeding, and other specific types of records listed in FOAA.

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#### 4. RESPONSIBILITIES.

This section lists the specific responsibilities of employees involved in responding to FOAA requests.

- a. **All Employees:** All employees shall be knowledgeable about this policy and know the basic content of the records they possess, maintain, manage or control.
- b. **Public Access Officer:** The Commissioner shall designate a Public Access Officer (“PAO”) for the entire agency who shall coordinate FOAA responses and maintain a database where all agency FOAA requests and responses must be tracked.
- c. **Bureau of Warden Service Access Officer (“WSAO”):** The Warden Service Colonel shall designate staff who handles the requests unique to the law enforcement bureau of the agency. The staff designated by the Colonel shall be knowledgeable of FOAA law, the Warden Service policy on FOAA that is specifically written to address law enforcement and investigative records, and, except as otherwise provided in this policy, shall coordinate responses to all warden service related FOAA requests. Reference Appendix #4: Warden Service Freedom of Access Act Policy.
- d. **Attorney General:** In the event there are any questions about what is or is not a FOAA, what an appropriate response might be, or whether any record is public or not, the public access officer should consult with an Assistant Attorney General (“AAG”) as appropriate.

- e. **Office of Information Technology:** The Office of Information Technology (“OIT”) should be considered when estimating costs for FOAAs and to assist with the search for records particularly when the search is large, complex and involves email and other electronic documents. OIT may also assist with search criteria, development of search terms, record retrieval, organizing the compilation of records and process to provide records to the requestor upon approval of the Commissioner or the Commissioner’s designee.

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## 5. PAO PROCEDURE AND GUIDELINES FOR RESPONDING TO FOAA REQUESTS.

- a. **Intake of FOAA Request.** All employees should immediately forward a FOAA request to the PAO or the WSAO so that a response to the requester can be made within the timeframe required under FOAA. IFW has five (5) working days from receipt of the FOAA request to provide written notice if IFW is going to deny access to any or all of the records requested.
- b. **Initial Response to Requester.** Upon receipt of a FOAA request, the PAO shall acknowledge receipt of a request in writing within five (5) working days and may ask for clarification concerning what public records are being requested.
- c. **Refining the Scope of the Request.** The PAO, the WSAO or staff person who maintains records may work with the requestor to narrow the scope of the search in an effort to respond more efficiently, including expediting production, and reducing the cost and burden of compiling and preparing the records for disclosure.
- d. **Denial of Records.** If any requests for records are denied, in full or in part, a written notice of the denial will state the reason and provide the statutory exception or reason for the denial. Except when the request is for confidential Criminal History Record Information or Intelligence and Investigative Record Information the Department may not confirm the existence or nonexistence to any person or public or private entity that would not be eligible to receive the information in compliance with 16 M.R.S. §705.
- e. **Denial of Records for Overly Burdensome Request.** A request for inspection or copying may be denied in part or in whole if the request is unduly burdensome and the department follows proper procedures as outlined in FOAA law and this

policy. The PAO or WSAO shall consult with an AAG if this seems an appropriate course of action.

- f. Public Right to Inspect and Copy Records.** A person has a right to inspect and copy any public records within a reasonable time and during normal business hours. IFW may not charge a fee for inspection unless the record must be converted into a form that the requester can understand or when the records need to be compiled and reviewed for redaction of non-public record information. *NOTE: This does not include access into computers, databases or records systems that may contain confidential information.*
- g. Identifying Employees Possessing Responsive Public Records:** The PAO or WSAO is responsible for making inquiries to identify employees who might have responsive records in their possession or are otherwise aware of responsive records. The PAO or WSAO shall request each employee with responsive records to search for and produce the records pursuant to the procedures outlined in this policy. The PAO or WSAO shall summarize each FOAA request where necessary in order to ease the burden on affected employees in understanding the request and provide a copy of the summary and FOAA request to each employee identified as likely to have responsive records. The PAO or WSAO shall suggest a deadline by which employees will produce the requested records considering all other work demands.
- h. Estimate of Timeframe and Cost.** Within a reasonable time of receiving the request, the PAO or WSAO shall provide a good faith, nonbinding estimate of the timeframe within which IFW will provide responsive public records, as well as the cost to produce them. Please see Paragraph 6. *Guidelines to Estimate Cost of a FOAA for more information.*
- i. Response When There Are No Responsive Records.** If the department knows there are no public records responsive to the request prior to having to conduct a search, the response shall advise the requester that there are no records responsive to their request.
- j. No Requirement to Create New Records.** The department has no requirement to create a record that does not exist in order to satisfy a FOAA response.

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## 6. PAO OR WSAO GUIDELINES TO ESTIMATE COST OF A FOAA.

- a. **Estimates Greater than \$30:** Before proceeding with a search for records, the PAO or WSAO must receive confirmation from the requester that she/he wishes the search to proceed if the estimate is greater than \$30.
- b. **Establishing a Cost Estimate to Search:** When assessing a request, the PAO or WSAO shall make an effort to provide a good faith estimate of cost in as consistent a manner as possible from one request to another. Considering that every FOAA request is unique; the following parameters shall serve ONLY as a guideline in formulating an estimate of costs for each area.
  - i. **Number of employees effected:** .5 hour per an employee for 1 search term.
  - ii. **Number of search terms identified:** .5 hour per one search term, for every individual media type. (Example: .5 hour to search email for the search term: "Resident Junior Lifetime License" and .5 hour to search a paper file folder for the same search term, for a total of 1 hour.)
  - iii. **Number of years in the scope of the search:** 1-2 hours for every additional year the scope increases, per each search term.
  - iv. **Number of physical locations in the scope of the search:** 1 hour for each search term for each location to be searched.
  - v. **Specific Documents Named:** .5 hour for each specific document named.
  - vi. **Need for OIT Technical Assistance:** 1 hour for the OIT employee and 1 hour for the IFW employee when OIT is necessary in assisting in a search for electronic documents.
- c. **Cost Estimate for Multiple Requestors Requesting Identical Information:** If the department receives more than one request for the same information to be searched for and compiled, prior to the information being produced for a requestor, the department may choose to divide the total cost to produce the records among all requestors evenly. (Example: 3 different requests come in over a period of 2 months asking for all electronic communication between January 1 and March 31, relating to Captive Wildlife, for 5 specified employees. The total cost result is \$300 so each requestor is subsequently billed \$100.) If the cost estimate is provided to one requestor and subsequent requests come in afterwards, the final cost can be adjusted based on the amount of requests that were made during the time it took to search and compile the records. If, however a request is made, the bill is paid and the information is provided but an additional request or requests for the same information are made that information shall be provided at no cost to the requester.

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## 7. STAFF GUIDELINES TO SEARCH FOR RECORDS.

- a. **Paper Records:** Each employee is responsible for the diligent hand-search of paper records in their possession or control.
- b. **Electronic Mail:** Each employee is responsible for applying the following protocol for identifying responsive emails. The software's most expansive find features must be utilized to search both message subjects and text. Incoming and outgoing active folders, archive folders, and any other folder(s) that may contain responsive emails must be searched. Reasonable spelling variations must be accounted for when conducting a search. All e-mail accounts to which the employee has access and which are used for communication for department related business must be searched.
- c. **Other Electronic Records:** Each employee is responsible for searching any personal drives, shared drives, cellular phones, answering machines and for querying any database where data is recorded, on which the employee may have saved responsive information.

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## 8. PAO OR WSAO REVIEW FOR CONFIDENTIAL INFORMATION CONTAINED WITHIN RECORDS.

- a. **Thorough Review of Records:** There must be a thorough review of every document found in response to the FOAA request to identify any confidential or privileged information that must be redacted. The initial review shall be conducted by the bureau's appointed staff person who reviews records for confidentiality. A secondary review shall be conducted by the PAO or WSAO and in the event there are any questions whether any record is public or not the PAO shall consult an AAG.
- b. **Denial of a Record When Most of the Information Contained in the Records is Confidential:** If a responsive record cannot be redacted in a manner that retains substantive public information it may be withheld in its entirety subject to consultation with an AAG. (Example: a department policy which describes enforcement procedure for the Bureau of Warden Service which has potential to create safety issues for the wardens or compromise the integrity of case work due to the release of the information.)

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## 9. PAO OR WSAO GUIDELINES ON BILLING THE REQUESTER.

- a. FOAA permits the department to charge a reasonable fee to cover the cost of copying and a fee of \$25 per hour after the first two hours to cover the actual cost of searching for, retrieving, and compiling requested records. Compiling the public record includes searching for, locating, reviewing and redacting information not subject to public access. The department may not charge for inspection. Department employees shall maintain a record of their time, copies made, and other costs related to a FOAA request and provide this information to the PAO for compilation of the invoice. The PAO will send the invoice to the requester and make the department aware of the invoice being sent. All employees who work on a FOAA must track their billable and non-billable time on a FOAA search via the department's tracking mechanism for time worked. The department may retain any fees or costs charged related to the request. Please see Appendix 3.
- b. **Copying Costs Per Page for Paper Copies:** The department shall charge .10 cents /a page for any paper copy of a record. A per-page copy fee may not be charged for records provided electronically. State sales tax must be assessed in addition to the copying fees.
- c. **First Two Hours of Records Compilation is Free of Charge:** The agency may not charge for the first two hours of staff time per each FOAA request. After the first two hours, \$25/ hour of time to search, compile and review records may be billed to the requestor.
- d. **Payment in Advance:** The department may require a requester pay all or a portion of the estimated costs to complete the request prior to the translation, search, retrieval, compiling, and copying of the records.
- e. **Waiver:** Fees may be waived where the requester is indigent or when release of the public records requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the department and is not primarily in the commercial interest of the requester. The Commissioner shall determine when a fee waiver shall be granted.
- f. **Payment and Closing of FOAA:** Once all public records responsive to the request have been provided and payment has been received or if the requester does not want to move forward with a search due to the cost estimate or other reason the FOAA request shall be considered closed.



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**1. BILLING EXCEPTIONS TO FOAA, UNIQUE TO THE DEPARTMENT:**

*This is separate and aside from the \$25 per hour after the first two free hours of staff time per request that can be charged to cover the actual cost of searching for, retrieving and compiling the requested public record.*

- a. Lookup Cost for License, Permit or Registration Records:** Requests to lookup a license, permit or registration record(s) whether it is provided electronically or in hard copy either notarized or not shall be provided at a cost of \$5.00 per a lookup.
- b. Cost for Lists of Names, Address, City, State, and Zip Code in Electronic Format:**
  - i. Requests for electronic copies for one time use by individuals or organizations shall be provided at a cost of three (\$.03) cents per name, plus the cost of the electronic media used, up to a maximum charge of \$1,500. A minimum charge of \$25.00 will be applied to each request.
  - ii. Requests for electronic copies for reuse or sale by individuals or organizations shall be provided at a cost of five (\$.05) cents per name, plus the cost of the electronic media used. A minimum charge of \$25.00 will be applied to each request.
- c. Cost for Warden Service-Related Crash Records:**
  - i. Examples include requests for crash reports, the investigation records relating to the crash and / or Boat Accident Report Database reports if they are available. There shall be a \$10.00 fee assessed to provide this information whether it is in electronic or hard copy and no additional cost for hard copies shall be assessed.
  - ii. If the person states that they are making a FOAA request or they ask for additional information such as witness statements, photographs, notes, communication relating to the crash or other records this shall be considered a FOAA and after the first two free hours the \$25 per an hour charge will be assessed. If hard copies are requested an additional charge of ten cents (\$.10) per a copy shall be charged.
- d. Cost for CDs, DVDs, Flash Drives or Other Means to transfer electronic Records to a Requester:** The cost of CDs, DVDs and Flash drives shall be in addition to other costs related to the search and compilation of records. CDs shall cost \$2.00 each, DVDs shall cost \$2.00 each, and the actual cost of a Flash Drive shall be added to the invoice because there are varying needs for storage amounts depending on the amount of records to be provided electronically.

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## 2. DOCUMENTATION OF FOAAS.

The department shall maintain a database which compiles FOAAs and tracks their status. This is a mechanism required by law performed to provide statistics to the Attorney General's Office FOAA Ombudsman annually.

### AUTHORITY.

- 1 M.R.S., §§ 401-410. Maine Freedom of Access Act  
<http://www.mainelegislature.org/legis/statutes/1/title1sec408-A.html>
- 16 M.R.S., chapters 8 and 9.

### REPORTING FORMS FOR DEPARTMENT AID IN PROCESSING FOAAS:

- **Appendix 1: FOAA Process Flow Chart**
- **Appendix 2: FOAA Public Access Officer Request Procedure Form**
- **Appendix 3: FOAA Request Form for Employee Search**
- **Appendix 4: Warden Service FOAA Policy**

LINK TO FOAA LAW: [www.maine.gov/foaa](http://www.maine.gov/foaa)

LINK TO FOAA EXCEPTION SEARCH SITE: <http://www.mainelegislature.org/legis/foa/>



12/01/2021

Judith Camuso  
Commissioner

**FOAA Coordinator Request Procedure Form**

FOAA Coordinator: \_\_\_\_\_

Requester: \_\_\_\_\_

Subject of Request: \_\_\_\_\_

Date Received: \_\_\_\_\_ Date Acknowledgement Mailed: \_\_\_\_\_

Employees with potentially responsive records:

_____	_____
_____	_____
_____	_____
_____	_____

Good Faith Estimate Mailed: \_\_\_\_\_

Receive Records from employees: \_\_\_\_\_ Redact and copy/scan \_\_\_\_\_

Time spent searching, retrieving, compiling, redacting, and copying/scanning: \_\_\_\_\_

Invoice Mailed: \_\_\_\_\_

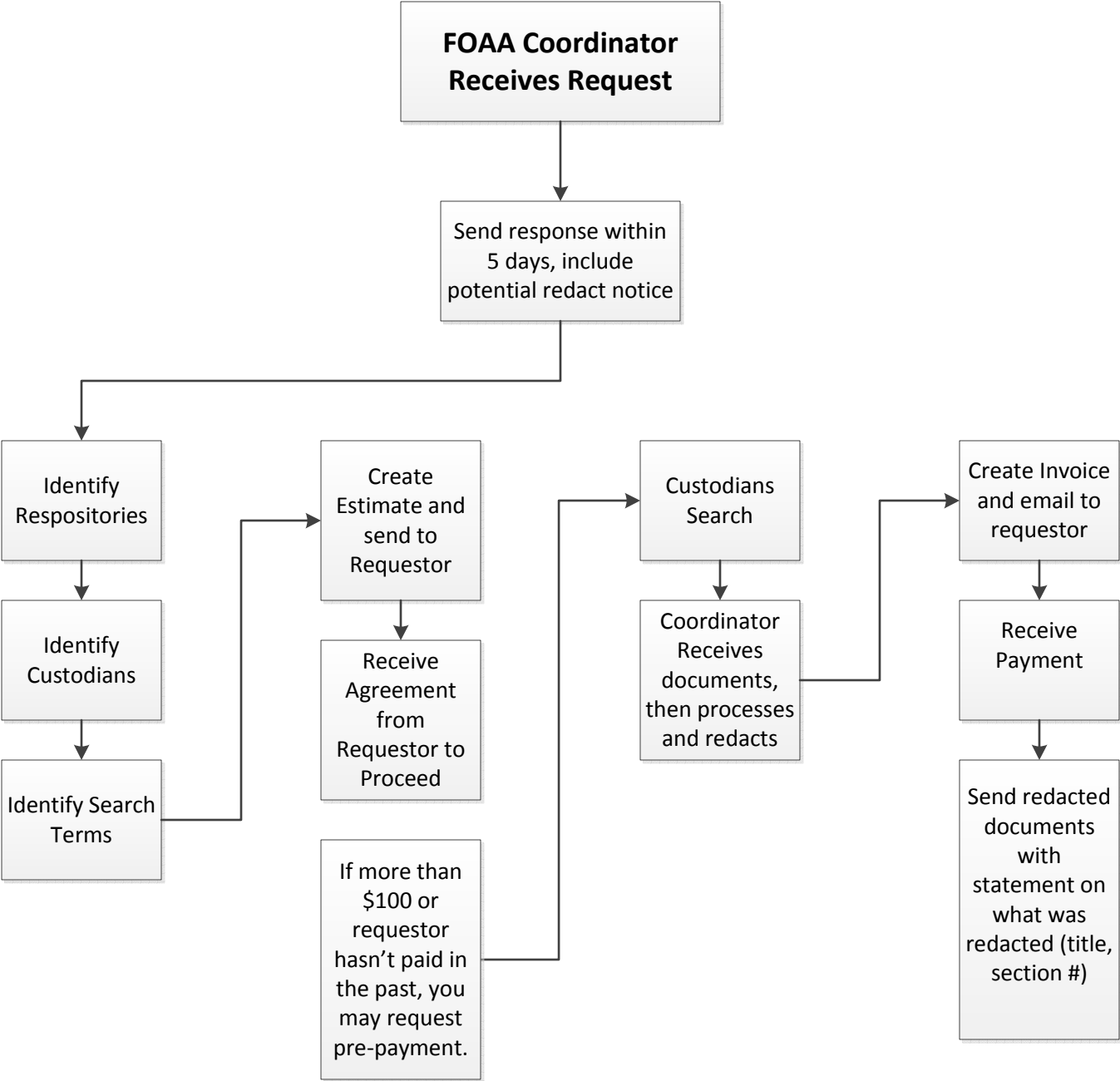
Requester Viewing Public Records or Requesting a Copy: \_\_\_\_\_

Date Records Viewed by Requester: \_\_\_\_\_

Copy mailed/emailed: \_\_\_\_\_

Date completed: \_\_\_\_\_

# FOAA Process



## INDEX

### **SECTION A. INFORMATION AND DEPARTMENT POLICIES**

#### CHAPTER 1. INFORMATION

- A1.1 Introduction: Guiding Principles
- A1.2 Organizational Chart

#### CHAPTER 2. ADMINISTRATIVE PROCEDURE POLICIES

- A2.1 Public Communication
- A2.2 Establishing Rules and Laws
- A2.3 Guidelines for Petitioning for Rule Change
- A2.4 Respect of Private Policy
- A2.5 Access to Information
- A2.6 Freedom of Information
- A2.7 Publication Protocol
- A2.8 Department Business Continuity Plan
- A2.9 Remote Meeting Participation Policy of MDIFW Boards and Commissions

DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE

ORGANIZATIONAL CHART

FEBRUARY 2014

## IFW CLOTHING REQUEST FORM - FISHERIES

EMPLOYEE: Colin Shankland

LOCATION: Jonesboro

TITLE: Fisheries Resource Biologist

QTY	ITEM DESCRIPTION	SIZE	COST	REASON FOR ISSUE
	SHIRT, MENS COLUMBIA (long sleeve)	S M L XL 2X Reg or Tall	\$60	
	SHIRT, MENS COLUMBIA (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, MENS WINTER LL BEAN (chamois)	S M L XL 2X Reg or Tall	\$50	
	SHIRT, LADIES COLUMBIA (long sleeve)	S M L XL 2X	\$60	
	SHIRT, LADIES COLUMBIA (short sleeve)	S M L XL 2X	\$60	
	SHIRT, WINTER CABELAS (chamois)	S M L XL 2X	\$30	
	T SHIRT, MENS COTTON	S M L XL 2X 3X Reg or Tall	\$5	
3	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, LADIES, COTTON	S M L XL 2X	\$10	
	T SHIRT, LADIES MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$50	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$50	
	RAIN GEAR, MENS PANTS – LL Bean	S M L XL 2X Reg or Tall	\$60	
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, LADIES PANTS - LL Bean	S M L XL 2X Reg	\$60	
	RAIN GEAR, MENS JACKET – LL Bean	S M L XL 2X Reg or Tall	\$66	
	RAIN GEAR, LADIES JACKET - LL BEAN	S M L XL 2X Reg	\$66	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	CAP, SUMMER LOGO (baseball) – REG		\$10	
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$10	
	CAP, WINTER FLEECE – BLACK		\$10	
	CAP, WINTER FLEECE – ORANGE		\$10	
	GLOVE, LEATHER THINSULATE	S M L XL	\$25	
2	GLOVE, ATLAS	S M L XL	\$20	
	GLOVE, NEOPRENE	S M L XL	\$20	
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	
	GLOVE, SNOW (CHOKO)	S M L XL	\$45	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$215	
	BELT (should go 2" above waist size)	Waist:	\$30	
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$230	
	PULLOVER ULTRA CLUB ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$35	
	PULLOVER LL BEAN ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$35	
	VEST, ORANGE SAFETY	S M L XL 2X	\$20	
1	BOOT, HIP, INSULATED (Trapline)	Size: 10	\$165	
	BOOT, HIP, NONINSULATED	Size:	\$140	
	BOOT, PACK, INSULATED	Size:	\$95	
	BOOT, PACK, NONINSULATED	Size:	\$90	
	BOOT, MUCK WETLAND	Size:	\$130	
	BOOT, MUCK ARCTIC SPORT	Size:	\$140	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$110	
SPECIAL ISSUE ONLY				
	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$65	
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$65	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$200	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$175	
	BOOT, MUCK ARCTIC PRO	Size:	\$175	
	BOOT, SCHNEE HUNTER	Size:	\$240	
	BOOT, SCHNEE EXTREME	Size:	\$255	

## IFW CLOTHING REQUEST FORM - FISHERIES

EMPLOYEE:

LOCATION:

TITLE:

QTY	ITEM DESCRIPTION	SIZE	COST	REASON FOR ISSUE
	SHIRT, MENS COLUMBIA (long sleeve)	S M L XL 2X Reg or Tall	\$60	7 in any combination
	SHIRT, MENS COLUMBIA (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, MENS WINTER LL BEAN (chamois)	S M L XL 2X Reg or Tall	\$50	
	SHIRT, LADIES COLUMBIA (long sleeve)	S M L XL 2X	\$60	
	SHIRT, LADIES COLUMBIA (short sleeve)	S M L XL 2X	\$60	
	SHIRT, WINTER CABELAS (chamois)	S M L XL 2X	\$30	
	T SHIRT, MENS COTTON	S M L XL 2X 3X Reg or Tall	\$5	7 in any combination
	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, LADIES, COTTON	S M L XL 2X	\$10	
	T SHIRT, LADIES MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	5 in any combination
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$50	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$50	
	RAIN GEAR, MENS PANTS – LL Bean	S M L XL 2X Reg or Tall	\$60	1 set
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, LADIES PANTS - LL Bean	S M L XL 2X Reg	\$60	
	RAIN GEAR, MENS JACKET – LL Bean	S M L XL 2X Reg or Tall	\$66	
	RAIN GEAR, LADIES JACKET - LL BEAN	S M L XL 2X Reg	\$66	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	CAP, SUMMER LOGO (baseball) – REG		\$10	2 in any combination
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$10	
	CAP, WINTER FLEECE – BLACK		\$10	1 color
	CAP, WINTER FLEECE – ORANGE		\$10	
	GLOVE, LEATHER THINSULATE	S M L XL	\$25	2 in any combination
	GLOVE, ATLAS	S M L XL	\$20	
	GLOVE, NEOPRENE	S M L XL	\$20	
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	1 pair
	GLOVE, SNOW (CHOKO)	S M L XL	\$45	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	1 pair
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$215	
	BELT (should go 2" above waist size)	Waist:	\$30	1 each
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$210	
	PULLOVER ULTRA CLUB ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$35	
	PULLOVER LL BEAN ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$35	
	VEST, ORANGE SAFETY	S M L XL 2X	\$20	
	BOOT, HIP, INSULATED (Trapline)	Size:	\$165	1 pair
	BOOT, HIP, NONINSULATED	Size:	\$140	
	BOOT, PACK, INSULATED	Size:	\$95	1 pair
	BOOT, PACK, NONINSULATED	Size:	\$90	
	BOOT, MUCK WETLAND	Size:	\$130	
	BOOT, MUCK ARCTIC SPORT	Size:	\$140	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$110	
<b>SPECIAL ISSUE ONLY</b>				
	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$65	Only as needed
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$65	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$200	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$175	
	BOOT, MUCK ARCTIC PRO	Size:	\$175	
	BOOT, SCHNEE HUNTER	Size:	\$240	
	BOOT, SCHNEE EXTREME	Size:	\$255	



**EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT**

The Department of Inland Fisheries and Wildlife shall continue to pursue a policy of non-discrimination in all employment actions, practices, procedures and conditions of employment.

1. Employment decisions will be based on the principles of equal employment opportunity. Recruitment, testing, election, and promotion will be administered without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental disability, sexual orientation, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, or marital status unless a bona fide occupational qualification exists.
2. Further, personnel actions and conditions of employment, such as compensation, benefits, layoffs, job assignments, employee development opportunities, and discipline shall be administered without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental disability, marital status, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, or sexual orientation.
3. Reasonable accommodations will be made for any qualified individual, applicant or employee, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.
4. Managers and supervisors are responsible for awareness of and response to potential discriminatory situations. Employees are required to cooperate fully with the investigation and/or resolution of any discrimination complaint. Managers and supervisors are required to actively prevent and correct retaliation or harassment toward any employee who has been involved in the filing, investigation, or resolution of a discrimination claim.
5. The Department will address and attempt to resolve employee complaints regarding discrimination and harassment as expeditiously as possible. Supervisors and managers are required to contact the agency EEO Officer if they receive a complaint of this nature.
6. This policy shall not be construed to prohibit any employment action or policy which is required by federal law, rule or executive order.

Deb Phillips, the Natural Resource Service Center's EEO Officer/Personnel Officer is responsible for the implementation, monitoring, and record keeping of the agency EEO/AA Program as well as providing technical assistance to applicants and employees. She may be reached at 624-6390.

The State EEO Coordinator in the Bureau of Human Resources, is also available as a resource to any state employee or supervisor. They may be reached at 287-4651.

I sincerely appreciate the continued cooperation and support of all employees and supervisors in making the Department a successful equal opportunity employer and a positive example for other employers in the State.

## POLICY STATEMENT AGAINST HARASSMENT

### I. General Policy Statement

The Department of Inland Fisheries & Wildlife recognizes the dignity of the individual employee and the right of employees to work in an environment which is free of intimidation and harassment. Such intimidation or harassment based on sex, race, color, religion, national origin, age, marital status, physical or mental disability, sexual orientation, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act, is a violation of State policy. Because harassment on the basis of sex, race, color, religion, national origin, age, physical or mental disability, sexual orientation, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act seriously undermines the integrity of the work place and adversely affects employee morale, it is unacceptable and will not be tolerated. In addition, it is considered grounds for disciplinary action up to and including discharge. Harassment based on sex, race, color, religion, national origin, age, physical or mental disability, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act may also constitute illegal employment discrimination.

Examples of harassment related to race, color, sex, national origin, age, religion, marital status, physical or mental disability, sexual orientation, whistleblower activity, previous assertion of a claim or right under the Maine Workers' Compensation Act, or include the following which may be a series of incidents or a single occurrence:

- Unwelcome sexual advances, gestures, comments or contact;
- Threats;
- Offensive jokes;
- Subjecting employees to ridicule, slurs, or derogatory actions;
- Basing employment decisions or practices on submission to such harassment;
- Refusal to cooperate with employees in performing work assignments;
- Inequitable disciplinary actions and work assignments.

Further examples of sexual harassment include: Behavior that is sexual in nature may be **verbal** - such as comments about a person's looks, personal inquiries, sexual jokes, use of derogatory sexual stereotypes, uttering sexually suggestive sounds, writing sexual notes, use of State computer equipment to send receive and/or download material of a sexual nature; **non-verbal** - such as looking someone up and down, staring or leering at someone's body, deliberate blocking of a person's path, displaying sexual visuals, making sexual gestures; or **physical** - such as massaging, touching, deliberate brushing up against someone, hugging, pinching, grabbing, or actual sexual assault.

**As a matter of State policy, any behavior of a sexual nature in the workplace is considered unprofessional regardless of whether it constitutes illegal sexual harassment. Similarly, any conduct that degrades, ridicules or otherwise draws unwanted attention to any employee or other person having dealings with the Department on the basis of sex, race, religion, disability, national origin, age, sexual orientation, whistleblower activity or previous assertion of a claim or right under the Maine Workers' Compensation Act, is considered unprofessional regardless of whether it constitutes unlawful harassment. Such unprofessional conduct will not be tolerated in the work**

**place because it undermines morale, interferes with performance and demeans its victims. Each employee is personally responsible for compliance with this policy.**

**As part of their supervisory responsibilities, supervisors are required to actively prevent or stop inappropriate, unprofessional conduct in the workplace regardless of whether the conduct rises to the level of illegal harassment.** If they become aware of any such conduct occurring, they must take immediate and appropriate corrective action, including discipline, to end the conduct. Corrective action is required regardless of whether a complaint is made or the conduct appears to be welcome.

Deb Phillips, the Natural Resource Service Center's EEO Coordinator, may be consulted for advice and direction and **must** be contacted if a complaint is received, even if the complainant requests that no action be taken. Managers and supervisors who fail to fulfill their obligations under this policy will be subject to disciplinary action, up to and including discharge.

## **II. Definitions**

"Sexual harassment" is defined as unwelcome sexual conduct that is a term or condition of employment. Unwelcome sexual conduct is sexual harassment when submission to such conduct is expressly or implicitly made a term or condition of employment.

"Quid pro quo" harassment occurs when submission or rejection of such conduct is used as the basis for employment decisions affecting an individual, *such as promotions in exchange for sexual favors, or an unfavorable change of duties in response to rejected sexual advances.*

"Hostile Work Environment" unwelcome sexual conduct, which unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment, also constitutes illegal sexual harassment. Conduct, which is not sexual in nature, may still create a sexually hostile work environment if it is based on the victim's gender. Such conduct may include excluding or isolating employees, tampering with belongings or equipment, or physical or verbal abuse based on gender.

## **III. Applicability**

This policy applies to:

- Co-workers and supervisors
- Outside parties having dealings with the department (i.e., customers, vendors, contractors)
- Interactions between individuals of the same sex
- Interactions in the workplace during work hours as well as outside activities related to the workplace (i.e., parties, trips, conferences)

## **IV. Complaint Process**

The State of Maine and the Department of Inland Fisheries & Wildlife is committed to preventing harassment prohibited by this policy through education and dissemination of information as well as employee accountability. Such harassment may be reported by any employee, regardless of whether that employee is the recipient of the harassment, a witness or otherwise becomes aware of harassment prohibited by this policy.



## B1.3

### ADMINISTRATIVE POLICY REGARDING CLOTHING AND PERSONAL APPEARANCE STANDARDS

Personal appearance and clothing that identifies a person as a Department employee play a crucial role in maintaining a favorable Department image and increasing visibility in a positive manner.

Therefore, the following policy is in effect.

#### Enforcement Personnel

1. Dress and personal appearance standards will be in accordance with the Warden Service Manual of General Policies and Procedures.
2. The Colonel of the Bureau of Warden Service, the Warden Major, and other command staff will be expected to wear issued uniforms when performing routine field or office duties. Personal clothing may be worn to official meetings, public hearings, speaking engagements, and other activities where such clothing is more appropriate to the task at hand. Clothing worn during speaking engagements and other similar activities will be neat and well fitted.

#### Non-Enforcement Personnel (including seasonal and temporary employees)

1. Field personnel, except under extenuating circumstances and with approval of higher authority, will be expected to wear Department issued clothing, displaying the Department patch, when working in the field or office. This is the expectation whether or not you expect to interact with the public. "Field personnel" includes all employees except for administrative support staff, who are officially headquartered at a facility other than the Augusta or Bangor Offices. This includes the Regional Fisheries and Wildlife Headquarters, Hatcheries and Rearing Stations, Maine Wildlife Park and Engineering Workshop. Proper footwear is required for all personnel based on their work assignment.

Field Personnel may wear Department uniforms or professional business attire (including a tie for male employees) during appearances at legislative sessions and public hearings.

2. Employees working at the Department's Fish Health Laboratory shall wear appropriate professional appearing clothing or Department issued clothing and footwear and protective gear suitable for a laboratory environment. All Fish Health Laboratory staff are expected to wear Department issued uniforms or other Department issued field clothing when working in the field.

3. Bureau Directors, Division Directors and Research and Assessment Section staff may wear professional appearing business casual dress or Department issued clothing with the Department logo when working in the office. T-shirts, shorts and jeans are not considered business casual.

Professional business attire, to include a tie for male employees, is required during appearances at legislative sessions and public hearings. All staff are expected to wear Department issued uniforms or field clothing when working in the field.

4. All other personnel not covered in Sections 1,2, or 3 that are assigned to Department offices, including the Augusta Office, will wear either issued Department clothing or neat and well-fitted business casual clothes.
5. Personnel shall be well groomed at all times. Facial hair shall be kept neatly trimmed. Jewelry or body art must be discreet and worn in a manner that does not detract from the professional image of the agency, or which would impact on the safety of the employee or others.
6. Department issued uniforms, will be worn as a complete outfit and under no circumstances will personal clothing be mixed with identifiable Department clothing. Other Department issued clothing such as t-shirts with the Department logo may be worn when circumstances warrant. The type and use of special purpose clothing shall be determined by each administrative unit of the Department to meet operational needs.
7. Personnel will maintain at least one complete uniform in good condition to wear to meetings, speaking engagements, sportsmen's shows and other functions which require an individual to appear in identifiable Department clothing. All shirts other than T-shirts shall be worn tucked in. T-shirts (including Department issued t-shirts) are not acceptable attire for public speaking engagements.
8. Personal clothing (business casual) or Department issued clothing may be worn to official meetings, trainings and speaking engagements where such clothing is more appropriate. Clothing worn during speaking engagements and other similar activities will be neat and well fitted. The Division Director will provide clarification on the situations this applies to as needed to ensure employees are properly attired when representing the Department.

Professional business attire, to include a tie for male employees, is required when giving presentations at conferences. Business casual attire will be worn when attending conferences except for field events.

9. Identification tags will be issued and shall be worn as part of the uniform over the right shirt pocket.

10. It is the responsibility of all employees to see that the Department issued clothing is kept clean, well fitted, and in good condition at all times.
11. A list of clothing and footwear, which will be available for issue, is attached. The list is intended to be inclusive in that it contains all items of clothing available for issue. It is unlikely that the duties of any individual employee will require all items listed; and, because of the special clothing requirements of some employees, certain articles of clothing may be available only to certain divisions.
12. Employees, while wearing identifiable Department clothing, shall not engage in outside employment or other commercial venture and shall refrain from any activity which could reasonably be expected to bring discredit to the Department.
13. All issued uniforms and equipment will remain in ownership of the state and signed receipts will be required. When any person terminates state service, all issued uniforms and equipment will be turned in to the Storehouse regardless of condition.
14. It will be the responsibility of the field supervisor to ensure that all items are returned to the storehouse and that notification is made to the storehouse prior to an employee leaving state service. A list of the clothing and equipment that has been assigned to an employee may be requested from the storehouse. That list should be used to check issued items in prior to the departure from State service of an employee.
15. It is the responsibility of all employees to be familiar with and comply with D1.3 Administrative Policy on Personal Protective Clothing, Equipment and Devices, Appendix E.

No new issue of clothing on the standard issue list will be given until the previous issued garment has been turned in to the field supervisor, deemed inadequate, and turned into the storehouse. Approval or disapproval for reissue will be made at the regional level. Fair wear and tear will be an acceptable reason for replacement clothing.

Considerations for reissue will be:

- \*Clothing unavoidably destroyed in the line of work
- \*Legitimate wear and tear
- \*Alternations for minor weight gain/loss will be the employee's responsibility. If alterations will not fix the problem, then replacement items will be issued.
- \*Defective clothing
- \*Once the maximum issue has been made, reissue will be made on an as needed basis

\*Good used clothing may be issued as replacement clothing when deemed Appropriate.

16. Leather work boots for Resource Management Staff.

1. Unless there are extenuating circumstances, boots may be replaced at a two (2) year interval. A written request to change this interval must be submitted to the appropriate Division Director and approved in writing prior to the purchase of the boots. It is the expectation that boots purchased under this policy will only be replaced as needed based on wear and not automatically every two years.
2. The boots that you choose must be a lace up style and at least 95% brown or black in color. You may choose any boot height with a plain or safety toe, but the boot must provide complete coverage over your ankle.
3. You will be responsible to inform the chosen vendor as to any special requirements you may have and your type of work conditions. Refer to D1.3 Administrative Policy on Personal Protective Clothing, Equipment and Devices, Appendix E.

The Department has instituted a reimbursement program for one (1) pair of leather work boots up to, but not to exceed \$150. Any vendor that supplies the appropriate boots may be used at the discretion of the employee. In order to be reimbursed an employee must submit the attached form with the original receipts including the item description to their supervisor. A more expensive boot may be selected, but only the maximum amount will be reimbursed.

The following appendices and attachments listed below are included in this administrative policy.

Additional appendices and attachments will be published as necessary.



## APPENDIX A

List of Clothing and Footwear issued to Department Personnel (Except Warden Service) on an as needed basis with Supervisor approval. Please note Department issued clothing and gear is only loaned to the employee for use on official business. It is the responsibility of the employee that is assigned the clothing and gear to keep it clean and serviceable.

Requests for clothing and footwear shall be provided on the appropriate Division/Program order form. The following may be issued on initial hire:

- Name Tag
- Jacket
- Uniform pants and shirts
- Coveralls (Hatchery and Engineering only)
- Blaze orange hat and vest
- Summer hat
- Winter hat
- Raingear
- Hip/chest waders (Hatchery and Fisheries only)
- Gloves
- Snowmobile bibs
- Snowmobile helmet
- Snowshoes (Wildlife only)

### CLOTHING POLICY

### (NEW EMPLOYEE)

<u>ITEM</u>	<u>MAXIMUM NUMBER ALLOWED BY EMPLOYEE</u>
<u>Shirt</u> – Long/short sleeve or Chamois	7 in any combination
T-Shirt, Cotton/moisture wick	7 in any combination
<u>Pants</u> – Cotton	5 in any combination
Winter Bib	1
<u>Jacket</u> – 3 Season	1
<u>Pullover</u> – Fleece ¼ zip	1

<u>Boots</u> –	Steel-toed leather	1 pr. Reimbursed under policy above
	Pack/Winter boot	1 pr.
<u>Belt</u>		1
<u>Hats</u> –	Summer Logo –baseball	1
	Summer Logo – orange	1
	Winter fleece	1
<u>Vest</u> –	Orange safety	1
<u>Gloves</u> -	Leather, thinsulate	1 pr.
	Winter (Choko, Chopper)	1 pr.
<u>Rain Gear</u> –	Pants/jacket	1 pr.

#### B1.4

### **ADMINISTRATIVE POLICY REGARDING THE USE OF HUNTER BLAZE ORANGE APPAREL WHILE IN THE FIELD**

Department employees shall wear two Department issued articles (hat and vest) of hunter orange apparel, which meets the standards set out in 12 M.R.S., Section 11203 (blaze orange law) while working the field during the moose hunting season for zones applicable, the regular firearm season on deer, and the special muzzle loader season on deer. This requirement shall not apply when an employee is:

1. Within a motor vehicle;
2. Near buildings, structures, and in a built-up or urban area where hunting cannot legally occur;
3. Working from a watercraft and wearing a personal floatation device;
4. When enforcing waterfowl hunting regulations, special details that require concealment when authorized by a supervisory officer within Warden Service.

## B1.5

### COMPLAINTS POLICY

#### A. PURPOSE

A relationship of trust and confidence between employees of the Department of Inland Fisheries & Wildlife and the communities that we serve is essential to the effective operation of state government. Agency employees must be free to exercise their best judgment in the performance of their duties. Agency employees also have a special obligation to respect the rights of all persons. The Department of Inland Fisheries & Wildlife acknowledges its responsibility to establish a complaint system and procedures that not only will subject Inland Fisheries & Wildlife employees to corrective action when improper conduct has occurred, but that will also protect Inland Fisheries & Wildlife employees from unwarranted or spurious criticism when they discharge their duties properly. The purpose of these procedures is to provide prompt, just, and open disposition of complaints regarding the conduct of Inland Fisheries & Wildlife employees.

It is the policy of Inland Fisheries & Wildlife to encourage the public to comment when the conduct of the employee is believed to be improper. The Department of Inland Fisheries & Wildlife will make every effort to ensure that no adverse consequences occur to any person or witness as a result of having brought a complaint or for providing information concerning a complaint. Appropriate action, to include discipline, will be taken on any Inland Fisheries & Wildlife employee who subjects a complainant or witness to such recrimination.

#### B. PROCEDURE

1. The Department of Inland Fisheries & Wildlife encourages the public to bring forward legitimate complaints regarding misconduct by its employees. To this end, a copy of "HOW TO FILE A PERSONNEL COMPLAINT" will be posted at agency worksites and on agency websites and will be given to anyone requesting this information. A copy of this document is attached to this policy. Complaints, regardless of nature, can be lodged in person, by mail, or by telephone.
2. Any employee of Inland Fisheries & Wildlife who receives a complaint on an agency employee, shall, as soon as practicable, notify Deb Phillips, Human Resources Director from the Natural Resources Service Center (NRSC).
3. Upon receipt of a complaint, the NRSC Human Resources Director shall determine whether the complaint should be investigated and by whom. The Bureau of Employee Relations will be consulted on any complaints of criminal conduct to ensure cooperation with appropriate law enforcement authorities. All complaints on Warden Service staff shall be forwarded to the Chief Game Warden in compliance with state mandated policies for investigating citizen complaints against law enforcement officers.
4. All complaints received shall be acknowledged in writing and that the matter will be reviewed.

5. Investigations of complaints shall be completed within a reasonable time.
6. It is the responsibility of the investigator to thoroughly and confidentially investigate the matter and, when appropriate, to submit a complete and accurate investigation report. In the even a report is warranted, and all relevant information obtained by the investigator shall be included.
7. All investigations shall comply with the provisions of the applicable collective bargaining agreement.

#### C. REPORT

1. When applicable, the report shall include a summary of interviews with the complainant, synopsis, finding(s) of fact, chronology of the investigation, and documentation of compliance with the employee's contractual rights.
2. Recommendations regarding the disposition of an investigation or discipline generally are not included in the investigation report. Such recommendations should only be included in consultation with the appointing authority.

#### D. NOTIFICATION TO THE COMPLAINANT

1. All complainant concerns will receive written acknowledgement that they have been received and that appropriate follow-up action will occur.
2. Upon final disposition, the complainant will be notified that the department has taken appropriate action.

#### E. ADMINISTRATIVE RESPONSIBILITIES

1. The NRSC Human Resources Director shall ensure that:
  - All citizen complaint records and investigations remain confidential as allowed or required by statute.
  - Each complaint and corresponding investigation is documented.
  - An annual summary report is prepared for the agency head that includes statistical data that will aid in identifying the possible need for training, supervision, or other pertinent issues.

## HOW TO FILE A PERSONNEL COMPLAINT

If you wish to make a complaint about the actions of an employee of the Maine Department of Inland Fisheries and Wildlife, please:

Contact Debra Phillips, Human Resources Director, 624-6390 or Kathy Weymouth, EEO Coordinator, 624-6393 and advise that you wish to file a complaint.

Written complaints should be mailed to Debra Phillips, Human Resources Director, Natural Resources Service Center, 155 State House Station, Augusta, Maine 04333-0155. The report should identify yourself and contain specific details about your complaint. Complaints may also be filed via e-mail to [Deb.Phillips@maine.gov](mailto:Deb.Phillips@maine.gov).

The receipt of your complaint will be formally acknowledged in writing.

Your complaint will then be investigated. You may be contacted to provide additional information about your complaint.

The investigation will be handled as expeditiously as possible.

When the investigation of your complaint has been completed, the Commissioner will review the findings and you will receive a written explanation of the final disposition of the matter, within the limits of confidentiality laws.

## **B1.6**

### **DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL) AND DEFINED AS SAFETY-SENSITIVE**

Effective January 1, 1995

Revised February 2014

This Policy applies to employees in positions requiring a Commercial Driver's License (CDL).

#### **I. PURPOSE**

The purpose of this memorandum is to outline the State of Maine's policy regarding federal law and rules governing drug and alcohol testing for employees in safety-sensitive jobs. Safety-sensitive is defined as duties performed by employees who are required to hold a Commercial Driver's License (CDL).

As an employer, the State of Maine maintains a strong commitment to provide a safe, efficient work environment for its employees and the public they serve. This policy is based upon the State's practice and policy prohibiting the use of alcohol and drugs on the job or prior to reporting to work. The policy is consistent with the Federal Drug Free Workplace Act of 1989, the State of Maine's Drug Free Workplace Policy of March 10, 1989, the Substance Abuse Testing Law (26 MRSA, CH. 7, Sub-chapter III-A) and the Omnibus Transportation Employee Testing Act (OTETA). It is the intent of this policy to assure compliance with Federal and State law and regulations regarding drug and alcohol testing of employees.

As a result of enactment of OTETA, the Federal Highway Administration (FHWA) instituted rules that mandate alcohol and drug testing for employees in positions requiring a Commercial Drivers License (CDL) and defined as safety-sensitive. Employees in positions requiring a Commercial Drivers License (CDL) and defined as safety-sensitive are subject to this policy and hereafter in this policy will be referred to as employee and/or employees. These rules, which become effective January 1, 1995, require pre-employment, reasonable suspicion, post-accident, random, follow-up, and return-to-duty drug and alcohol testing.

#### **II. PROGRAM REQUIREMENTS**

##### **A. Employees Subject to Testing**

FHWA rules provide that safety-sensitive employees who operate vehicles requiring a CDL must be subject to drug and alcohol testing. A CDL is required of any person who operates a motor vehicle defined as: a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle

- 1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- 2) Has a gross vehicle weight rating of 26,001 or more pounds; or
- 3) Is designed to transport 16 or more passengers, including the driver; or
- 4) Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act.

Examples of positions deemed to require a CDL include bus drivers, drivers of trucks over 26,000 GVWR, and snowplow drivers.

Each department shall identify a complete listing of the safety-sensitive job functions and corresponding position titles located in the respective organizations. That listing shall be attached to this policy memorandum and shall be updated as necessary.

## **B. Participation as a Condition of Employment**

All employees in, or applicants for, positions defined as safety-sensitive in Section II, A above must participate in the drug and alcohol testing program prescribed by FHWA rules as a condition of employment. Failure to participate and comply with program requirements may result in disciplinary action up to and including termination of employment.

## **C. Prohibited Behavior**

It is the policy of the State of Maine that:

- 1) No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverages or illegal drugs or any other intoxicating substance on a job site or State property while on duty; or while in a State vehicle, a vehicle leased for State business, or a privately owned vehicle being used for State business during the employee's work hours.
- 2) No employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as a result of consuming alcohol, illegal drugs, or other intoxicant. Further, no employee notified of being in a safety-sensitive position as defined by the Omnibus Transportation Act of 1991 and FHWA rules shall report to work in a condition that violates that Act and the corresponding rules.
- 3) Effective January 1, 1995, an employee in a safety-sensitive position is further prohibited from the use of alcohol four (4) hours prior to performing job



functions. No supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to perform job functions.

- 4) It is the responsibility of an employee on prescription medication or over-the-counter medication, which has the potential to impair performance to consult with his/her physician regarding its effects on their ability to perform their job functions. In addition, an employee using prescription medication or over-the-counter medication shall inform their department's Equal Employment Opportunity Coordinator. An employee may be required to have his/her physician certify that medication does/does not adversely affect the employee's fitness for duty.
- 5) Federal rules governing safety-sensitive positions determine the provisions of drug and alcohol testing related to accidents. Further, for employees in non safety-sensitive positions, any work-related accident or injury involving State vehicles, equipment or property where it can be demonstrated that the use of alcohol, drugs, or other intoxicants was a contributing factor, may result in disciplinary action up to and including termination of employment.
- 6) Violation of these rules may result in disciplinary action up to and including termination of employment.

#### **D. Circumstances for Testing**

FHWA rules require that drug and alcohol tests be given to safety-sensitive employees in specific circumstances: pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up. In order for employees to recognize the circumstances which may initiate these tests, the following definitions are provided:

- 1) **Pre-employment Testing** - The FHWA rules require that all applicants for employment in positions requiring a CDL or individuals being transferred into such positions must be given pre-employment drug test. Applicants may not be hired or assigned to a safety-sensitive function unless they complete and pass the test. Prior to conducting the test, departments must inform the applicant or employee of the testing requirements. Vacancy announcements and job postings must stipulate that passing a drug test is a condition of employment. Further, applicants may be required to sign a document acknowledging that they know they are subject to testing.
- 2) **Reasonable Suspicion Testing** - The FHWA rules require that an employee in a safety-sensitive position must be directed to undergo alcohol and/or drug testing when the supervisor has reasonable suspicion to believe that the employee has used a prohibited drug or has misused alcohol in violation of OTETA and FHWA regulations. The request to undergo a reasonable suspicion test must be based on

specific, contemporaneous, articulable, reliable observations concerning the appearance, behavior, speech, or body odor of the employee.

- 3) **Post-Accident Testing** - The FHWA rules provide that as soon as practicable following an accident, tests for alcohol and controlled substances shall be administered to employees performing safety-sensitive functions, if the accident involved the loss of human life or the driver receives a citation under State or local law for a moving traffic violation arising from the accident. Drug tests must be performed within thirty-two (32) hours following the accident. Alcohol tests must be performed within eight (8) hours. If an alcohol test is not administered within two (2) hours following the accident, the department must still attempt to administer the test, and must also prepare and maintain a record stating the reason(s) the test was not promptly administered. If an alcohol test is still not administered within eight (8) hours following the accident, the department shall cease attempts to administer an alcohol test and shall maintain the same record.

A safety-sensitive employee shall not use alcohol for eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

The requirement to test for alcohol and drugs following an accident shall in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, an employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.

- 4) **Random Testing** - The FHWA rules require that safety-sensitive employees be subject to random drug and alcohol testing. The selection of employees for random alcohol and drug testing shall be made by a scientifically valid random number selection method. The selection process shall assure that each employee shall have an equal chance of being tested each time selections are made. Selection shall be determined by the third-party organization employed to administer the alcohol and drug testing program.

The test dates shall be spread reasonably throughout the year with no established pattern. Testing will be unannounced as well as random.

Once the employee has been notified that he/she has been selected for random testing, the employee shall report immediately to the collection site. Employees shall be individually and discretely notified to report to the collection site and they shall be assured that they have been selected for a routine test. Schedules shall be adjusted so that additional personnel may be available to substitute for employees being tested.

- 5) **Return-to-Duty Testing** - Before any employee is allowed to return to duty to perform a safety-sensitive function following a verified drug test result, an alcohol result of 0.04 or greater, or a refusal to submit to a test, that employee must undergo a return-to-duty test. The return-to-duty alcohol test result must indicate an alcohol concentration of less than 0.02. The return-to-duty drug test result must indicate a verified negative result for controlled substance use.

Before a return-to-duty test is performed, the employee must be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee may need and shall determine whether the employee has followed recommendations by a substance abuse professional (SAP) including participation in any rehabilitation program.

FHWA rules require that all return-to-duty tests be conducted under direct observation.

- 6) **Follow-up Testing** - Once allowed to return-to-duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12), but not more than sixty (60) months. The frequency and duration of the follow-up testing will be recommended by a substance abuse professional (SAP) as long as a minimum of six (6) tests are performed during the first twelve (12) months after the employee has returned to duty. Employees subject to follow-up testing must also remain in the standard random pool.

FHWA rules require that all follow-up tests be conducted under direct observation.

#### **E. Behavior that Constitutes a Refusal to Submit to a Test**

The following actions or behaviors shall constitute a refusal to submit to a required test:

- 1) Refusal to take the test.
- 2) Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation.
- 3) Tampering with or attempting to adulterate the specimen or collection procedure.
- 4) Failure to report to the collection site in the time allotted.
- 5) Failure to remain readily available for post-accident testing for eight (8) hours or until the employee undergoes testing, whichever occurs first.

#### **F. Testing Procedures**

- 1) **Drug Testing** - Drug testing is conducted by analyzing the employee's urine specimen. Specimens are collected in an off-site facility which must meet the "Procedures for Transportation Drug and Alcohol Testing Program" (49 CFR, Part 40) requirements to assure privacy and the integrity of specimen collection. The employee provides a urine specimen, which is sealed and labeled by an authorized agent of the testing organization. A chain of custody document is completed and the specimen is shipped to a certified laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification, and integrity are not compromised.

The OTETA requires that drug testing procedures for safety sensitive employees include split specimen techniques. Each urine specimen is sub-divided into two containers labeled as primary and split specimens. Both specimens are forwarded to a laboratory certified by the U.S. Department of Health and Human Services (DHHS). Only the primary specimen is used in the urinalysis. The split specimen remains sealed and stored unless, and until, it is required for confirmation of a positive test.

An initial screening test is performed. If the test is positive for one or more drugs, a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medications are not reported as positive results.

If the analysis of the primary specimen confirms the presence of controlled substances, the employee has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis. The split specimen procedure provides the employee with an opportunity for a second opinion.

All drug test results are reviewed and interpreted by a physician, Medical Review Officer (MRO), before they are reported. If the laboratory reports a positive result to the MRO, the MRO contacts the employee and conducts an interview to determine if there is an alternative medical explanation for the presence of a controlled substance in the specimen.

If the employee provides appropriate documentation and the MRO determines that there is a legitimate medical use of the prohibited drug, the test result is reported as negative. The MRO may not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana."

Urine specimens are analyzed for the following drugs:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines

- Opiates (including heroin)
- Phencyclidine (PCP)

- 2) **Alcohol Testing** - FHWA rules provide that alcohol testing is conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). The breath test must be performed by a breath alcohol technician (BAT) trained in the operation of the EBT and in the alcohol testing procedures prescribed by the rules.

Two breath tests are required to determine if a person has a prohibited alcohol concentration. Any result from the screening test is considered negative if the alcohol concentration is less than 0.02. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The employee and the BAT complete the alcohol testing form to ensure that results are properly recorded. The confirmation test must be conducted using an EBT that prints the results, date, time, in sequential test numbers, and, the name and serial number of the EBT to ensure the reliability of the results.

The EBT shall be conducted by BAT's employed by a drug and alcohol testing organization under contract by the State of Maine. Agents of the State of Maine or any of its departments shall not perform the breath alcohol test. Law enforcement officers will not conduct the tests as part of roadside inspections. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.

- 3) **Confidentiality of Test Results** - Employee alcohol and drug testing results and records are maintained under strict confidentiality by the State of Maine, the drug testing laboratory, the alcohol testing facility, and the MRO. The results cannot be released to any other party except a substance abuse professional without the written consent of the employee.

Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation, or administrative proceedings arising from a positive drug test or other violation of these rules.

Statistical records and reports are maintained by the State of Maine and the alcohol and drug testing provider. This information is aggregate data and is used only to monitor compliance with the FHWA rules.

## **G. Consequences of the Use of Drugs and the Misuse of Alcohol**

- 1) **Consequences of Alcohol Misuse** - Employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. The following circumstances constitute prohibited behaviors.

- a. Employee has an alcohol concentration of 0.02 or greater, but less than 0.04, as determined by EBT results, when tested just before, during, or just after performing safety-sensitive functions.
- b. Employee has used alcohol within four (4) hours of performing safety-sensitive functions.
- c. Employee has used alcohol while performing safety-sensitive functions.
- d. Employee has used alcohol during the eight (8) hours following an accident or until the employee has undergone a post-accident alcohol test.
- e. Employee refused to submit to a required alcohol test (as defined in Section II, E).
- f. Employee has an alcohol concentration of 0.04 or greater, as determined by EBT results, when tested just before, during, or just after performing safety-sensitive functions.

An employee found to have violated any provision of G, 1, a, shall be immediately removed from safety-sensitive duty for twenty-four (24) hours, and the incident shall be recorded. Further, the employee will be subject to disciplinary action up to and including termination of employment.

No employee who has engaged in any prohibited alcohol conduct as defined in section G, 1, b-f, shall be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing a safety-sensitive function; the employee must undergo a return-to-duty alcohol test with a result indicating alcohol concentration of less than 0.02. The employee shall be subject to the provisions for follow-up testing as defined in Section II, D, 6.

- 2) **Consequences of Use of Drugs** - An employee who has a verified positive drug test result must be immediately removed from safety-sensitive functions. The employee who has a verified positive drug test result shall not be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing safety-sensitive functions, the employee must undergo a return-to-duty substance test with a verified negative result. This test will be conducted under direct observation. The employee shall be subject to the provisions for follow-up testing as defined in Section II, D, 6.

An employee who has an initial verified positive drug test result will be subject to disciplinary action up to and including termination of employment.

However, the Maine Substance Abuse Testing Law provides that before any disciplinary action is initiated in the case of an employee who has an initial verified positive drug test result, the employer shall provide the employee with an opportunity to participate for up to six (6) months in a rehabilitation program. If the employee chooses not to participate in a rehabilitation program, the employee is subject to the disciplinary provisions of this policy.

Any subsequent verified positive drug test will result in disciplinary action up to and including termination of employment.

- 3) **Refusal to Submit to a Required Alcohol or Drug Test** - (as defined in Section II, E.) Refusal or failure to submit to a required alcohol or drug test constitutes a failed test (not subject to the provisions of the Maine Substance Abuse Testing Law noted above), resulting in immediate removal from safety-sensitive duty and appropriate disciplinary action as prescribed under Section G 1, and 2. The employee shall not be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing safety-sensitive functions, the employee must undergo a return-to-duty substance test with a verified negative result. This test will be conducted under direct observation. The employee shall be subject to the provisions for follow-up testing as defined in Section II, D, 6.

## **H. Training for Supervisors**

The State of Maine shall ensure that all supervisors and other persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing must receive a minimum of sixty (60) minutes of training on alcohol misuse and a minimum of sixty (60) minutes of training on controlled substances use. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

The training shall include an overview of the program requirements, disciplinary procedures, confrontation and documentation procedures, and rehabilitation and treatment options which are available.

## **I. Training for Safety-Sensitive Employees**

- 1) Each department participating in the Maine State Government CDL Drug and Alcohol Testing Program shall ensure that all employees performing job functions deemed safety-sensitive shall receive a copy of this policy.
- 2) Each department participating in the Maine State Government CDL Drug and Alcohol Testing Program shall ensure that all new employees performing job

functions deemed safety-sensitive hired after the date of this policy being adopted shall receive a copy of this policy and the educational materials listed below:

- a. The identity of the person designated by the employer (DER) to answer driver questions about the materials;
  - b. Specific information concerning driver conduct that is prohibited by federal regulation and this policy;
  - c. The circumstances under which a driver will be tested for alcohol and/or controlled substances under federal regulation and this policy, including post-accident testing under 49 CFR 382.303(d);
  - d. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by this policy and 49 CFR 382.303(d);
  - e. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy and federal regulations;
  - f. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
  - g. The consequences for drivers found to have violated this policy and the federal regulations, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures that can follow such removal;
  - h. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
  - i. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.
- 3) Each department shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each department shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.



## **J. Supervisory Responsibilities**

It is the policy of the State of Maine that:

- 1) Supervisors are responsible for determining through direct observation whether an employee is capable of performing his or her assigned duties. Determinations shall be based on specific, contemporaneous, articulable, reliable observations concerning the appearance, behavior, speech, or body odor of the employee.
- 2) Employees who are suspected of being unfit for duty as a result of alcohol or drug use will be required to undergo reasonable suspicion drug and/or alcohol testing in accordance with FHWA rules and this policy. Supervisors should immediately bring their observations to the attention of their managers in order that arrangements for testing can be implemented as soon as practicable.
- 3) Employees who are suspected of being impaired and unfit for duty may not remain at the work place. Incidents and behavior described in Section J, 1, should be witnessed and documented immediately. The supervisor's manager should be consulted and advised of the incident. An employee who is impaired should not be allowed to drive home from the work place.
- 4) An employee who has engaged in prohibited behavior as defined in Sections II, C and G and was not allowed to remain at work or was removed from safety-sensitive duties will not be considered to have a disciplinary suspension. After the employee is removed from safety-sensitive duties or removed from the workplace, supervisors and managers should discuss the specifics of the situation with their department human resource/employee relations staff to review appropriate disciplinary action. Each situation will be evaluated on a case-by-case basis.

## **K. Management Responsibilities**

It is the policy of the State of Maine that:

- 1) A drug and alcohol free workplace shall be maintained through the efforts and personal example of management.
- 2) Subordinate managers and supervisors who fail to perform their duties and responsibilities as outlined in this policy will be subject to disciplinary action up to and including termination of employment.
- 3) Managers and supervisors are encouraged to discuss with employees any behavior or job performance factors that may indicate the use of drugs, alcohol, or other violations of this policy and to suggest, when appropriate, that employees seek assistance through the Employee Assistance Program (EAP).

- 4) Effective January 1, 1995, managers shall direct employees in designated safety-sensitive positions to comply with the provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing in accordance with the FHWA rules.
- 5) Supervisors who make reasonable suspicion determinations must receive training on the physical, behavioral, and performance indicators of probable drug use and alcohol misuse. Supervisors shall be instructed on the principle of the "reasonable prudent individual" in reasonable suspicion decisions.

#### **L. Employee Assistance Program (EAP)**

The State of Maine's EAP is a confidential voluntary service available to all employees and their family members. The EAP was created with the aim to assist employees and their families in maintaining their health and well-being.

The State of Maine and the unions representing State employees recognize that a wide range of problems, not directly associated with an employee's work, may have an adverse effect on an employee's work and may have an adverse effect on an employee's job performance and health. Further, personal problems of a family member may also affect an employee's job performance. It is recognized that many personal problems can be successfully treated, provided the problem is identified and referral is made to an appropriate source. The State of Maine EAP offers assistance on a broad range of issues - marital or family discord, distress, alcohol or drug abuse, legal problems, or other concerns. These problems are recognized as progressive and potentially destructive, but they are also recognized as treatable disorders.

Any employee who may be experiencing a problem of this type is encouraged to seek information and assistance on a confidential basis by contacting the EAP.

Participation in the EAP is on a voluntary basis. Although supervisors, union officials and co-workers may encourage an employee to seek help, the decision to seek and accept assistance is the responsibility of the employee.

Participation in the EAP is strictly confidential. All records and information regarding referral, diagnosis, and treatment will be maintained by the EAP and treated as confidential. The program ensures that participants' names and the nature of the problems are not available to supervisors, co-workers, or anyone else.

Employees participating in the EAP are not immune from discipline; however, employees will be evaluated strictly on job performance. Participation in the program will not be used against anyone in disciplinary proceedings, nor will participation be detrimental to an employee's job security, promotional opportunities, or status.

The EAP is a free service at no cost to participants. If an employee is referred by the EAP to other professional services, the EAP will review the health insurance benefit plan to determine what, if any, costs must be assumed by the employee. Every effort will be made to refer employees to the least costly, highest quality resource available.

All employees in safety-sensitive positions and their respective supervisors shall receive training on the services, access, and use of the EAP. Such training may be conducted separate from the training required under H and I above.

#### **M. Dilute Samples – Current Employee**

- 1) If the MRO reports that a positive drug test was dilute, the test will be treated as a verified positive test. The employee will not be directed to take another test based on the fact that the specimen was dilute.
- 2) If the MRO reports that a negative drug test was dilute and directs that a retest be conducted under direct observation, a second test will be conducted immediately.
- 3) In cases where the MRO does not direct that a second test be conducted for a negative drug test that was dilute, the department will direct the employee to take another test immediately. This test will not be conducted under direct observation.
- 4) If an employee's retest is reported by the MRO as also being negative dilute, the employee will not be offered a third test unless so directed by the MRO.
- 5) The second test will be considered a negative test and will be the test of record.
- 6) If the employee declines to take a retest, the employee has refused the test for purposes of this policy and DOT agency regulations. The employee shall be subject to the provisions for refusal to take a test as defined in Section II, G, 3.

#### **N. Dilute Samples – Applicant for a Safety-Sensitive Position**

- 1) If an applicant for Maine State Government employment required to take a pre-employment test under the State's drug and alcohol testing policy has a test result reported by the MRO as positive, positive-dilute, substituted, cancelled-invalid result, or adulterated, the applicant will not be offered employment in Maine State Government.
- 2) If an applicant for Maine State Government employment required to take a pre-employment test under the State's drug and alcohol testing policy has a test result reported as negative-dilute, the applicant may be offered a second test at the

discretion of the hiring authority. This test will not be conducted under direct observation.

- 3) If an applicant who is offered a second test has a test result reported as negative-dilute, the applicant will not be offered a third test.
- 4) The second test will be considered negative and the test of record. It will be the discretion of the hiring authority whether the applicant is offered employment in Maine State Government or not.
- 5) If an applicant for Maine State Government employment declines to take a retest, the applicant has refused the test for purposes of this policy and DOT agency regulations and will not be offered employment in Maine State Government.

#### **O. Employee Admission of Alcohol and Controlled Substances Use**

Maine State Government encourages drivers who recognize that they may have a problem with drugs and/or alcohol to seek assistance for resolving that problem before they have a DOT violation due to a positive test result or because they engaged in other DOT prohibited conduct.

A driver who admits to a drug and/or alcohol problem will not have a DOT violation. He/she will be given an opportunity to obtain a chemical use assessment from Maine State Government's Employee Assistance Program (EAP). Prior to the assessment, however, Maine State Government will require the driver to sign a release of information that will enable Maine State Government's Designated Employer Representative (DER) to receive the results of the assessment, and to receive subsequent reports related to the assessment, and the driver's successful completion of all recommendations for assistance.

The following conditions must apply to the driver's self-admission:

- 1) The driver's admission cannot be made during his/her on-duty time. It must occur prior to the driver's reporting for duty on any particular day.
- 2) The driver's admission cannot be made in an attempt to avoid a required DOT drug test.
- 3) 49 CFR Part 382.121 requires Maine State Government to remove the driver from safety-sensitive functions, including driving.
- 4) When Maine State Government is satisfied that the driver has complied with the EAP's recommendations for assistance, Maine State Government will return the driver to safety-sensitive functions, provided that:

Prior to returning to safety-sensitive functions, the driver will be required to provide a negative DOT drug and/or alcohol test result on a return-to-duty test. The drug test will not be conducted under direct observation.

- 5) A driver who self-identifies under this policy and who then fails to comply with the EAP's recommendations will be considered to have engaged in conduct prohibited by the DOT in 49 CFR Part 382, Subpart B, and will not be permitted to return to safety-sensitive function until he/she has successfully complied with the SAP return-to-duty process. Once in compliance with the SAP return-to-duty process, prior to returning to safety-sensitive functions, the driver will be required to provide a negative DOT drug and/or alcohol test result on a return-to-duty test. The drug test will be conducted under direct observation.
- 6) A driver who self-identifies under this policy and fails to comply with EAP's recommendations may be subject to disciplinary action up to and including termination of employment.

Maine State Government will adhere to the following terms, in accordance with 49 CFR Part 382.121;

- 1) Maine State Government will take no adverse action against a driver who admits to drug and/or alcohol use under the terms above.
- 2) A driver who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance. Maine State Government requires the assessment process to be initiated within three (3) days of the driver's disclosure.
- 3) A driver who complies with all requirements, and who complies satisfactorily with the EAP's recommendations for assistance, will be permitted to return to safety-sensitive functions. The driver will be required to provide a negative DOT drug and/or alcohol test result on a return-to-duty test. The drug test will not be conducted under direct observation.
- 4) A driver who cooperates and successfully complies with this program will not be considered to have had a DOT violation of prohibited conduct under 49 CFR Part 382, Subpart B.

#### **P. Random Testing Percentages**

The annual percentage of employees randomly tested for alcohol and drug testing shall comply with the annual minimum drug and alcohol random testing rates established within U.S. DOT Agencies.

## **Q. Medical Marijuana Use**

Any safety-sensitive employee who uses marijuana under the Maine Medical Marijuana law shall inform his/her department's Equal Employment Opportunity Coordinator. The U.S. Department of Transportation's Drug and Alcohol Testing Regulations do not authorize "medical marijuana" under a state law to be a valid medical explanation for an employee's positive drug test result. Marijuana remains a drug listed in Schedule I of the Controlled Substances Act. Therefore, any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations who tests positive for marijuana or self-discloses use under this policy will be immediately removed from duty in the safety-sensitive position and will not be returned to duty in the safety-sensitive position until all requirements for return-to-duty under this policy have been met.

## **R. Random Pool Database Updating**

Each department participating in the State of Maine Drug and Alcohol Testing Program agrees to provide to the DER on a quarterly basis, if necessary, any addition or deletion of names to the random pool list. Additions could result from new hires or transfers, while deletions could result from retirements, terminations or change in CDL driving status.

## **S. Drug and Alcohol Testing Program Manager**

Questions regarding the drug and alcohol testing program and the policies and procedures required for compliance with federal law and rules shall be directed to the DER.

Revision History:  
March 2012  
August 2013  
February 2014

**B1.7**  
**POLICY REGARDING MAINE STATE TIME**  
**AND ATTENDANCE MANAGEMENT SYSTEM (MS-TAMS)**

The Maine State Time and Attendance Management system (MS-TAMS) is designed for State employees to record time worked and leave taken. It also has the ability to track time spent on certain jobs, projects, grants, or multiple funding sources. Not all employees will use this function. MS-TAMS replaces paper time sheets for all employees whose agencies have computer access to the State's Wide Area Network (WAN).

In order to receive a paycheck, all employees must complete, electronically sign and submit for approval, a bi-weekly time sheet at the end of each pay period.

Employees that do not have access, will follow the process provided by the department to have their time entered into MS-TAMS.

Employees have until the following Tuesday after a pay period, by 12:00 p.m. to sign and have approval. The personnel officer will notify employees if processing time has been shortened in the event of a holiday.

If an employee is absent or unable to complete and sign their timesheet, the supervisor or agency payroll officer must complete their automated time she and obtain the employee's signature upon return, either on paper or electronically.

If a supervisor or alternate supervisor is unavailable, the payroll officer shall approve the time sheet to ensure the employee's time sheet gets entered. The supervisor or alternate can then sign a paper copy of the time sheet upon their return.

It is the responsibility of the employee to ensure they have filled out their time sheet correctly and on time.

## **B1.8**

### **VOLUNTARY EMPLOYEE INCENTIVE PROGRAM (VEIP)**

Maine law allows that employees may voluntarily apply for consideration to participate in the VEIP which grants time off without pay. Participation in the program achieves cost-savings to the program. Through VEIP participation, employees may apply for reduced work week, job sharing, sporadic time off, or unpaid leave under the premise that: “There are qualified and talented Maine citizens of all ages whose personal responsibilities make it difficult to work full time or during traditional hour of employment.” 5 M.R.S.A. §901. The ability of appointing authorities and employees to enter into VEIP arrangements have historically been established each biennium in the budget.

#### **STANDARDS**

The standards in this section are the criteria against which IF&W management will determine whether a VEIP arrangement is appropriate. For a VEIP arrangement to be approved, most of the conditions detailed in this section will typically exist.

1. *Financial Solvency.* It is more likely that a VEIP arrangement is appropriate when unstable funding for positions at IF&W is forecast, and it is determined that the arrangement would help to stabilize that funding.
2. *Operational Needs.* The staffing level needed to continue IF&W’s operations given statutory obligations and management priorities defines, at any given time, the operational needs of the agency. Approval of an employee seeking a VEIP arrangement will only occur when the operational needs of the department as a whole allow for a reduction of effort. It is more likely that a VEIP is appropriate when it can be demonstrated that Maine people will not see a reduction in service, that such approval is not detrimental to overall operations or workload demands, and the appointing authority determines that redeployment of work effort to other areas of the program or department does not negatively affect department operations of staffing needed.

#### **PROCEDURES**

Maine law charges an employee’s appointing authority with making all decisions on VEIP applications. At IF&W, the Commissioner or Deputy Commissioner is the appointing authority for VEIP purposes. To that end, the following procedures are established:

1. An employee seeking a reduced work week, sporadic leave, or unpaid leave VEIP arrangement is responsible for obtaining and completing the correct forms. Those forms are available from the Natural Resource Service Center (NRSC). To the extent possible,



employees will provide requests for VEIP participation to their supervisor at least one month before the beginning of the VEIP arrangement being sought.

2. The employee seeking a VEIP arrangement must submit their request for review and recommendation to the appropriate bureau director. It is the employee's responsibility to ensure that the request form has been routed to their supervisor and bureau director.
3. Once recommendation has been made by the bureau director, he/she will route the signed form to the commissioner or designee for final review and approval.
4. Once approved by the commissioner or his or her designee, the approved form will be forwarded to the appropriate personnel specialist at the Natural Resource Service Center.
5. Upon receipt of the application, a VEIP financial worksheet will be prepared for submission to the Bureau of Budget and any necessary personnel transaction. A copy of the completed VEIP worksheet will be forwarded to the department's financial analyst for their information and recording.

Employees needing assistance with the state's VEIP should contact the NRSC's human resource division.

**B1.9**  
**POLICY REGARDING HIRING PANEL SELECTION**

All hiring panels assembled for the review and selection of IFW employees will be comprised of 50% women. In the event there is an uneven number of panelists organizers shall make every effort to include more women.

The Commissioner also supports and encourages individuals from outside the agency with experience or expertise in the subject matter to participate on hiring panels.

## B2.1

### **ADMINISTRATIVE POLICY REGARDING EMPLOYEE RECOGNITION**

#### I. Policy and Purpose

##### A. Statement of Policy

The Commissioner of the Department of Inland Fisheries and Wildlife acknowledges the need to recognize the department's hardworking and dedicated employees. The Department will at least annually, recognize qualified employees through various awards and other means for their length of service, notable job performance, and overall contribution to the department.

##### B. Purpose

The purpose of the policy is to ensure that deserving employees are given the credit for carrying out the various missions of the department in an effective and professional manner. Employees in every class of job will be covered by this policy. The purpose of recognizing employees is to help boost morale, feelings of belonging, pride in work accomplishments to the department, and to let employees know that their efforts have been appreciated.

##### C. Scope

This policy shall govern the procedural manner by which employees will be recognized for notable performance, length of service and contribution to the department. It is not the intent of this policy to abolish or in any way supersede other existing policies and procedures regarding recognition of employees in particular job classes in the department. Any variance from the provisions of this policy shall be reviewed and approved by the Commissioner or his designees.

#### II. Procedures for recognition of length of service in the department.

A. The department shall recognize employees who have worked for the department for at least five years, in five-year increments. The department shall give an award appropriate to the employee's length of service and a certificate signed by the Commissioner for eligible employees on an annual basis. Employee Service Awards shall be given out annually. The Human Resources Division within the Natural Resource Service Center will be responsible for determining eligibility for the employee service awards.

B. The department shall also recognize those employees who are leaving through retirement, transfer, job opportunity or other reason, for their service. The type of gift of appreciation shall be appropriate to the years of service the employee worked for the department and state government in general, in the case of those leaving state service.

III. Procedures for recognition of job performance and contribution to the department.

A. The department shall have Employee-of-the-Year Awards in each of the following categories: 1) Fisheries Division; 2) Wildlife Division; 3) Hatcheries Division; 4) Licensing & Registration Division; 5) Administrative Support; and 6) Professional & Technical.

B. Nominations for this award may be submitted by any employee. Nominees must have demonstrated superior job performance or made a significant contribution to the department either over a long period of time or an accomplishment or deed which warrants special recognition. Nominations will be made on Form ERA-1.

Nominations must provide adequate documentation and examples of the nominee's superior performance and/or significant accomplishment(s). Nomination forms must be submitted to the Deputy Commissioner. Selection of the award recipients will be made by the Deputy Commissioner and the Commissioner.

C. The Employee of the Year Awards will be given out during our annual Employee Recognition Day Ceremonies. The Employee-of-the-Year Award will consist of a plaque. The names of recipients will be mentioned in the Maine Fish & Wildlife magazine or similar publication of the Department.

D. The Warden Service will maintain an annual awards program recognizing Warden of the Year, and Outstanding Supervisor, and Exemplary Service to the Warden Service. Other awards may be presented when deemed appropriate by the Colonel and in accordance with procedures established by Warden Service.

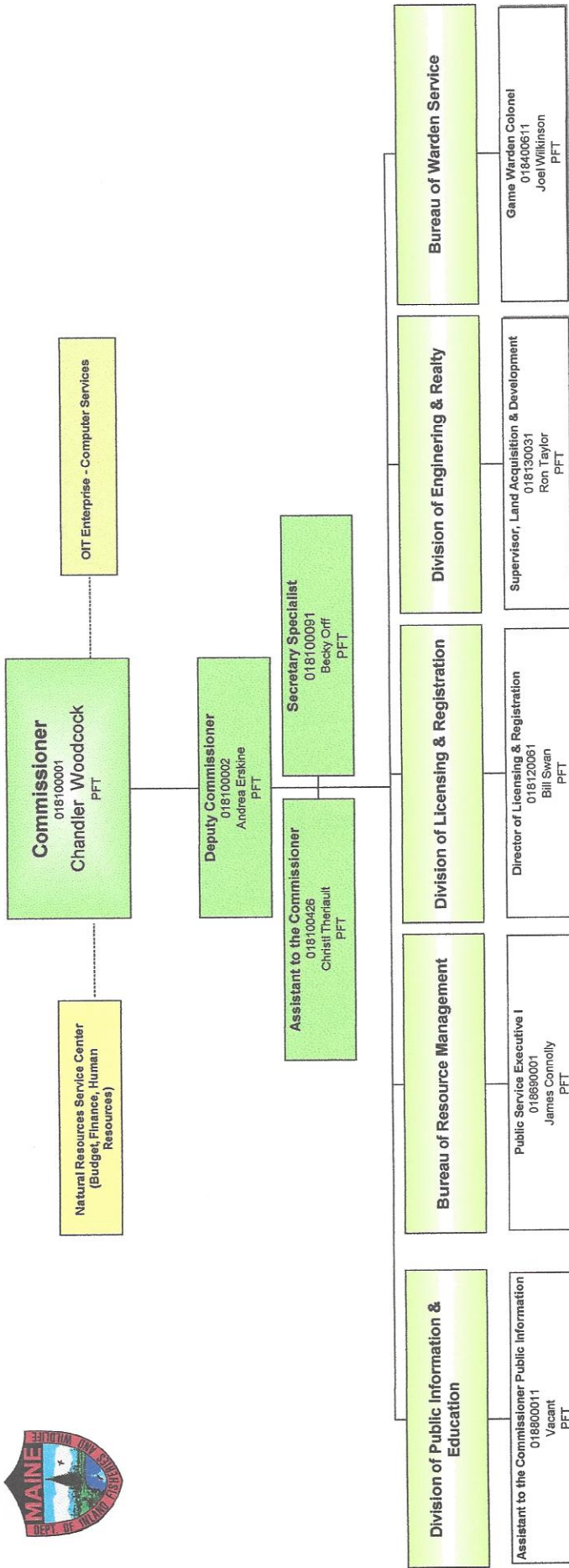
**KENNETH ANDERSON AWARD**

Each year, one employee will receive the Kenneth Anderson Award. The purpose of this award is to recognize existing members of the Department staff who have made an exemplary contribution towards the enhancement of the state's inland fish and wildlife resources.

A Team Award may also be awarded in any given year.

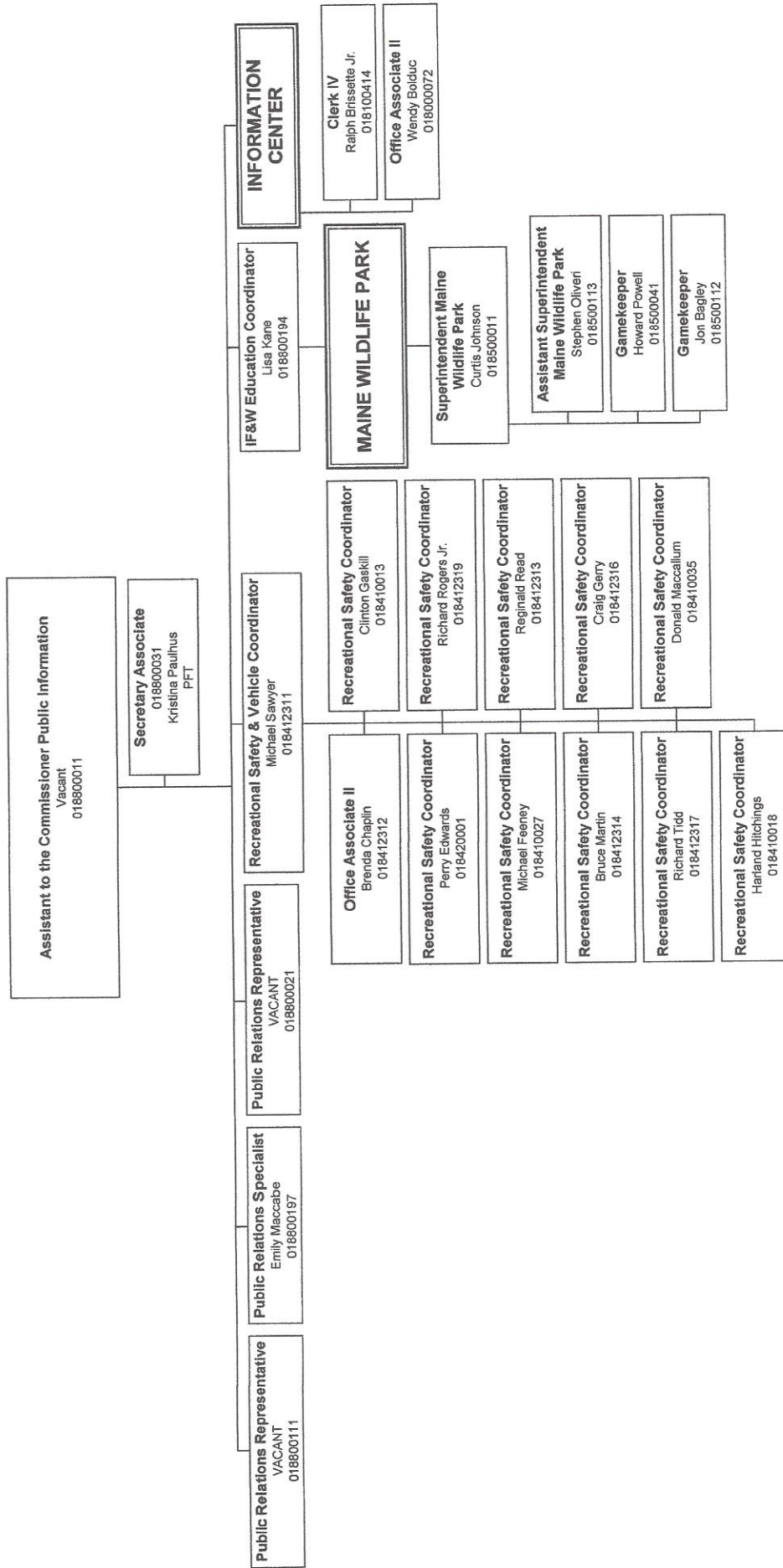
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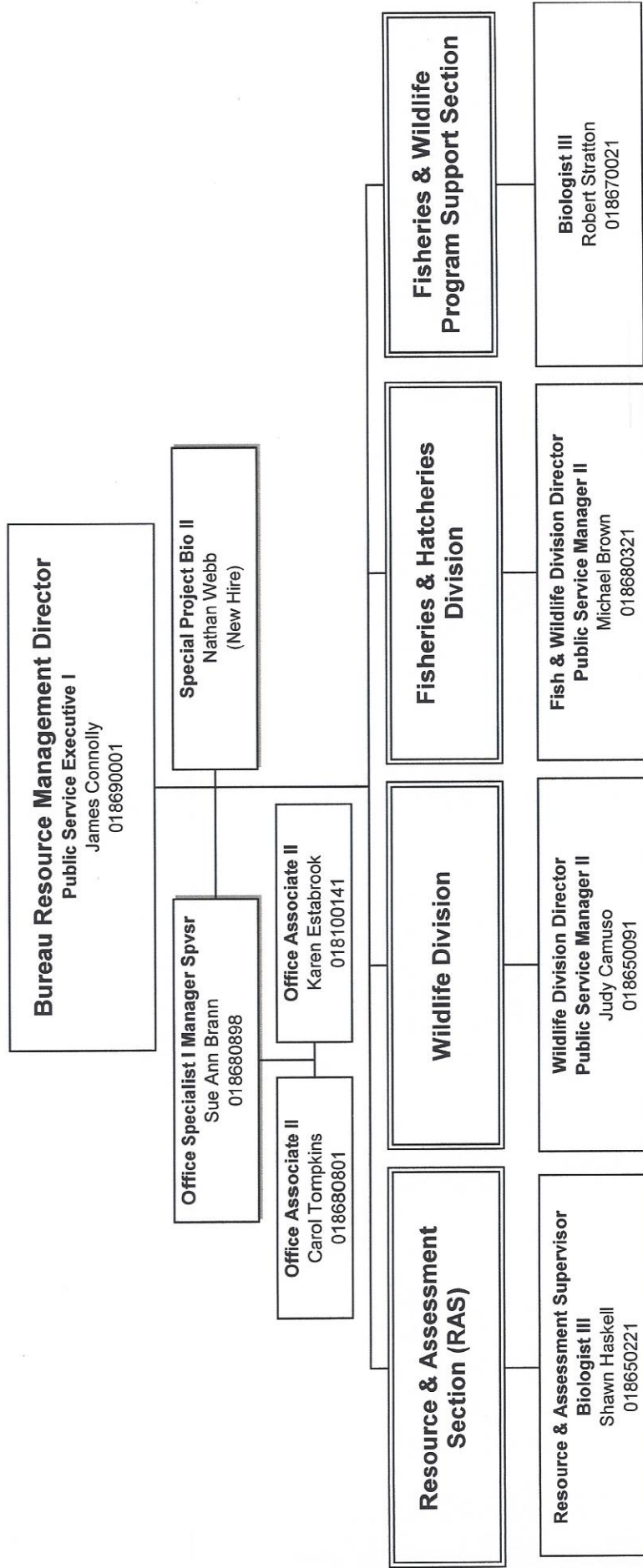
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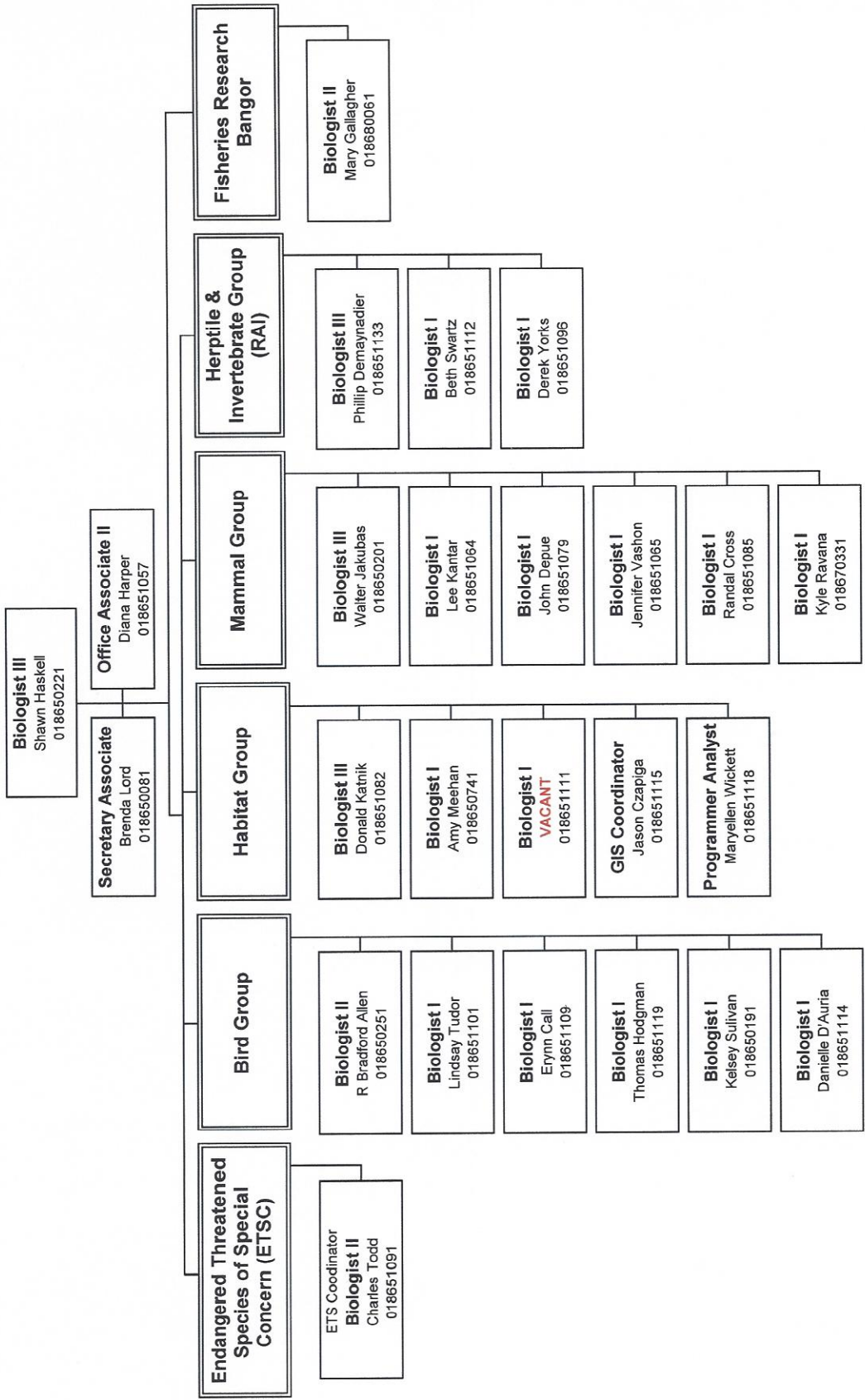
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 BUREAU OF RESOURCE MANAGEMENT

Last Edited: January 2014



DEPARTMENT OF INLAND FISHERIES & WILDLIFE  
 BUREAU OF RESOURCE MANAGEMENT - RESOURCE & ASSESSMENT SECTION

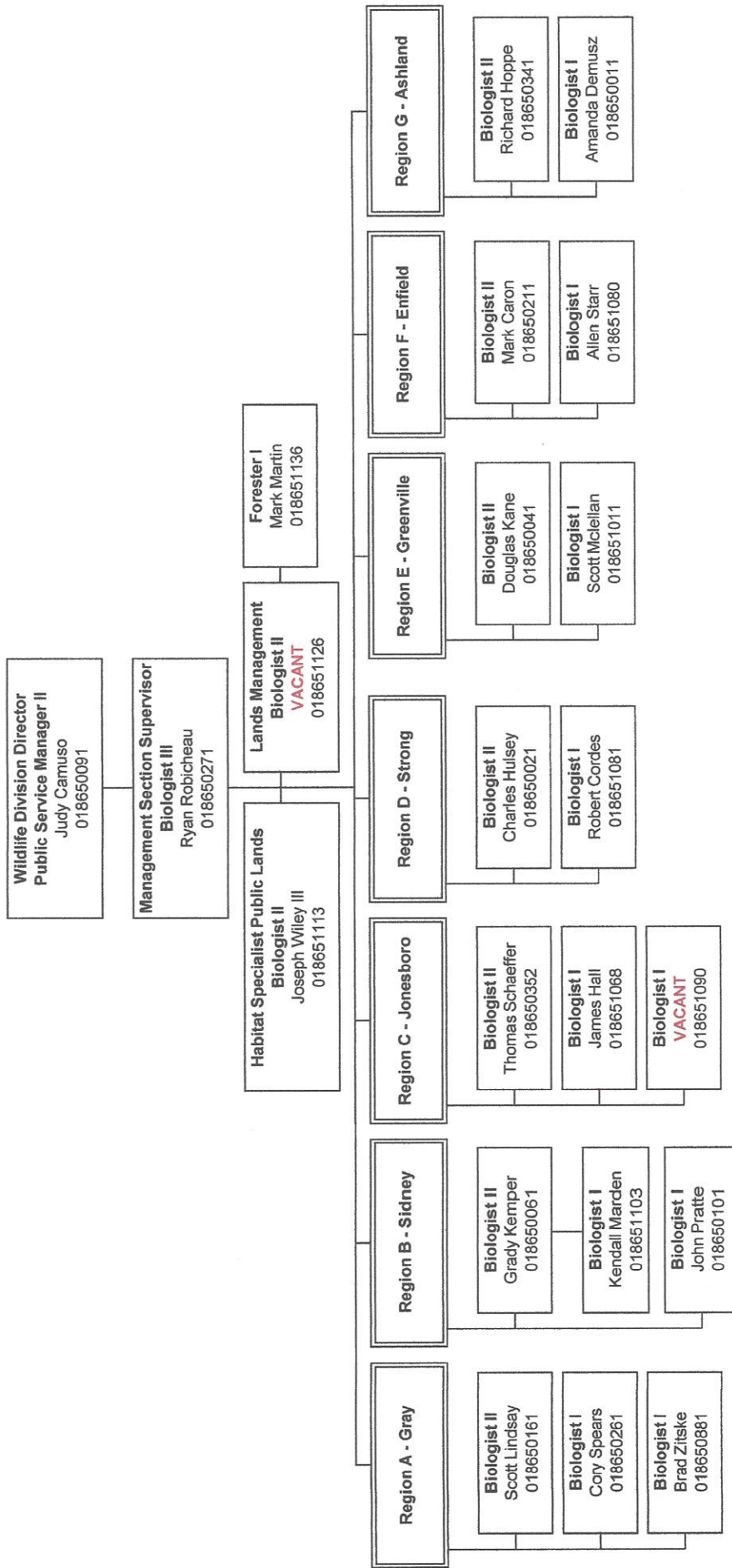
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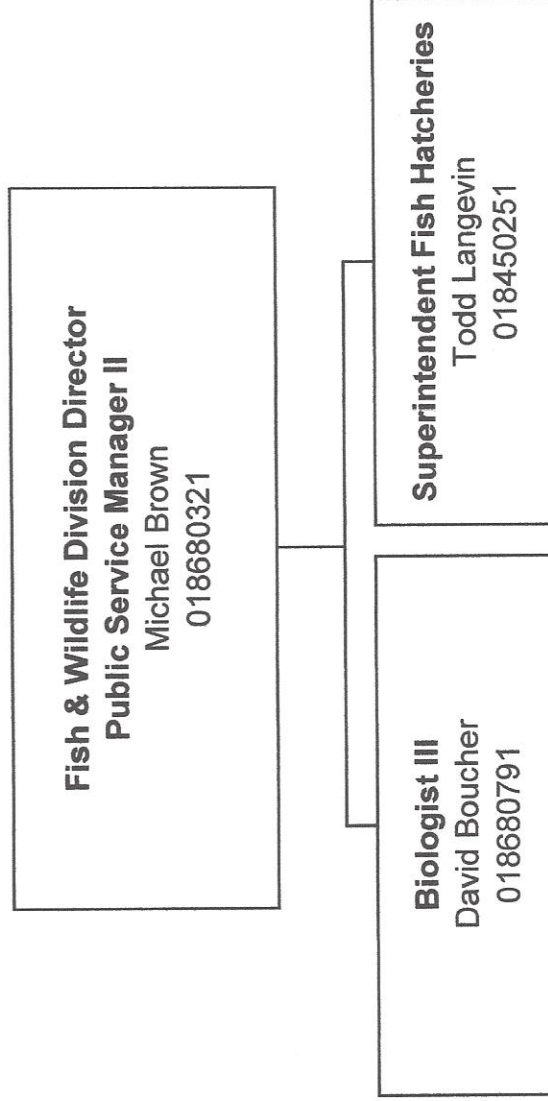
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 WILDLIFE DIVISION - REGIONAL WILDLIFE MANAGEMENT SECTION

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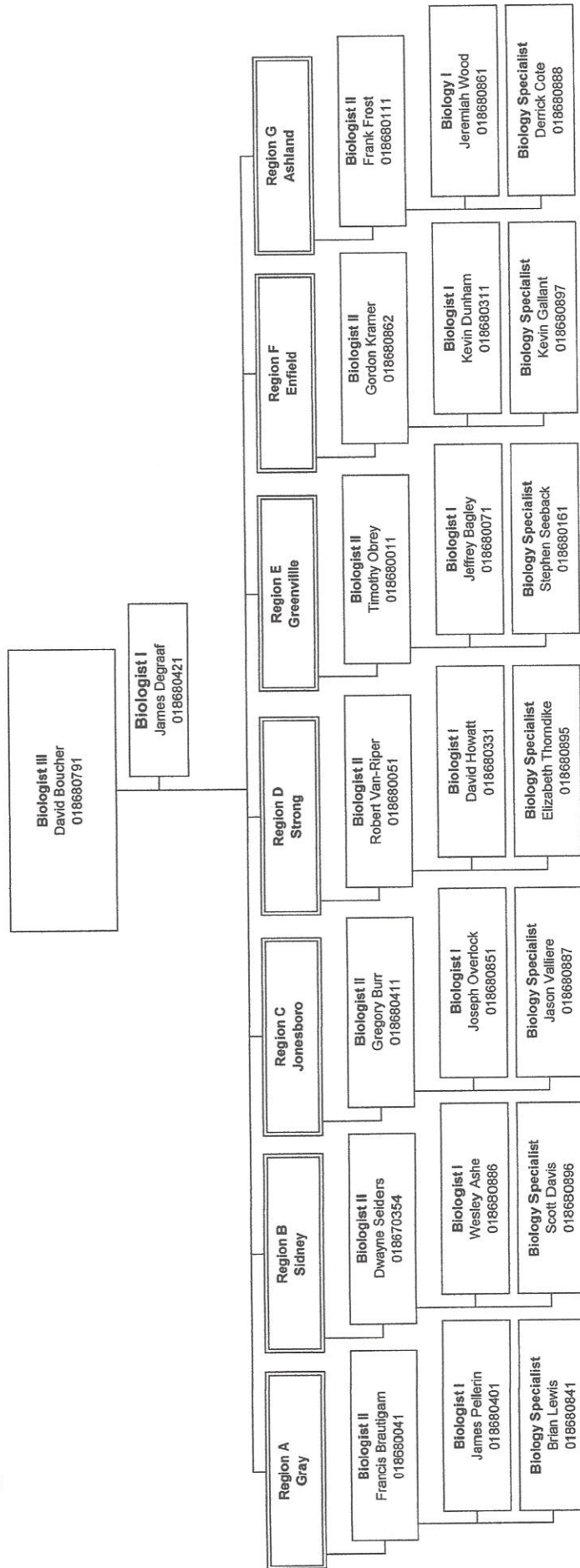
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BUREAU OF RESOURCE MANAGEMENT  
FISHERIES & HATCHERIES DIVISION

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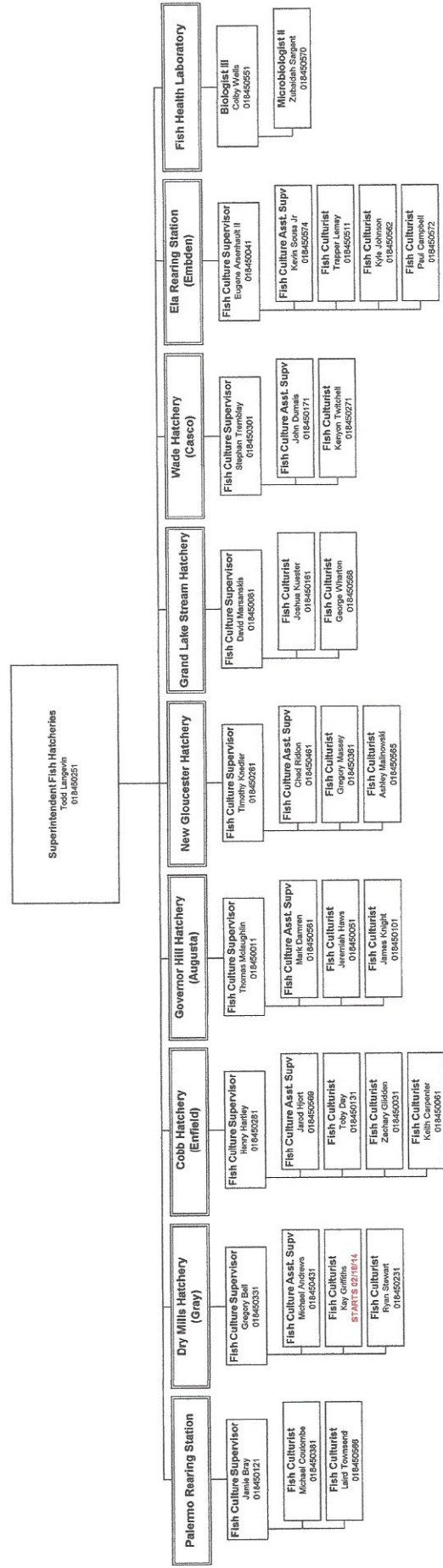
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 FISHERIES & HATCHERIES DIVISION - FISHERIES MANAGEMENT SECTION

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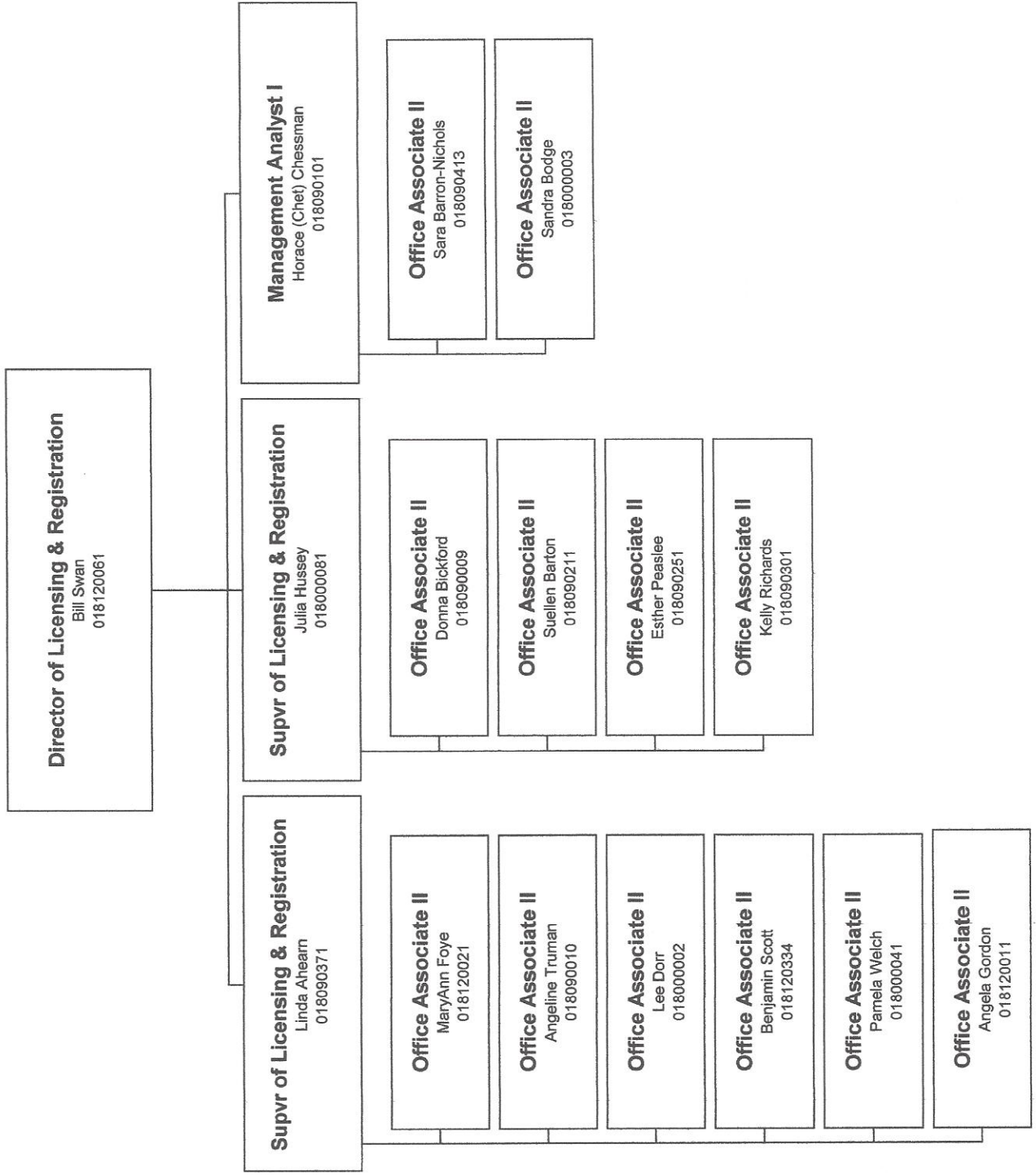
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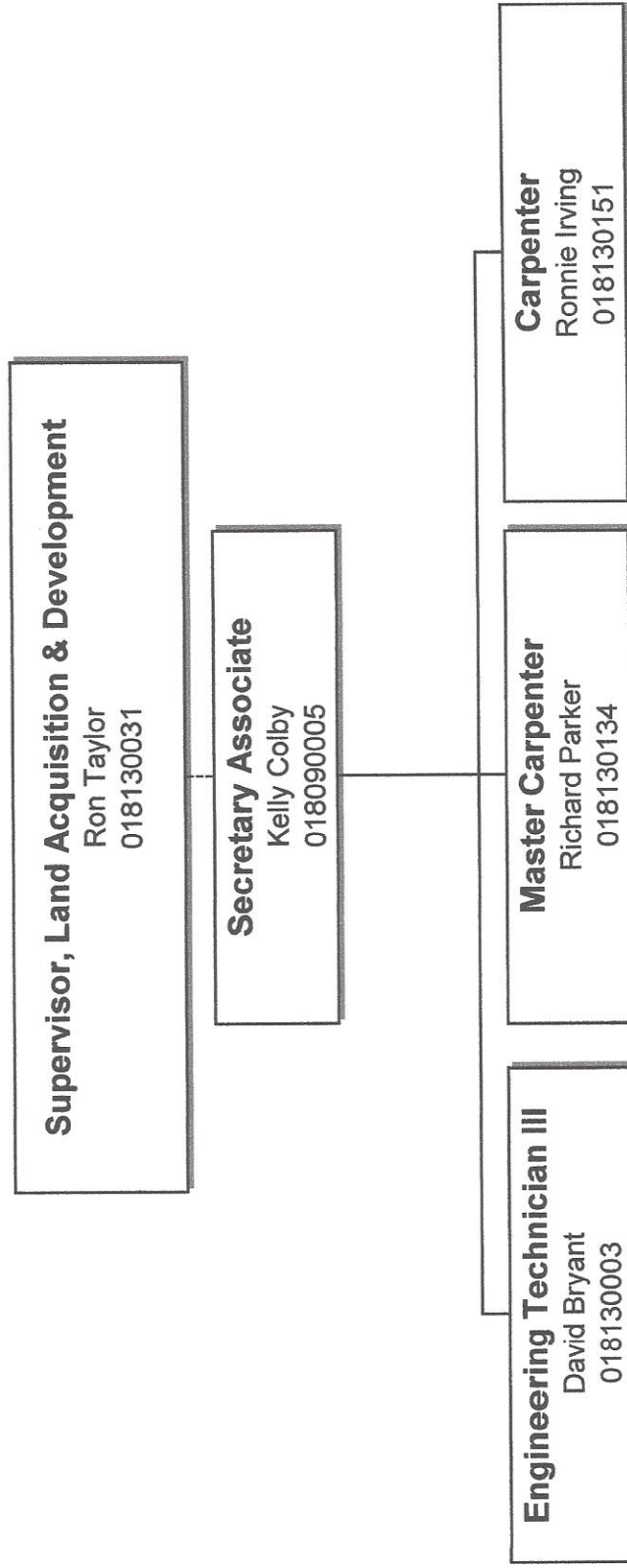
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DIVISION OF LICENSING & REGISTRATION**

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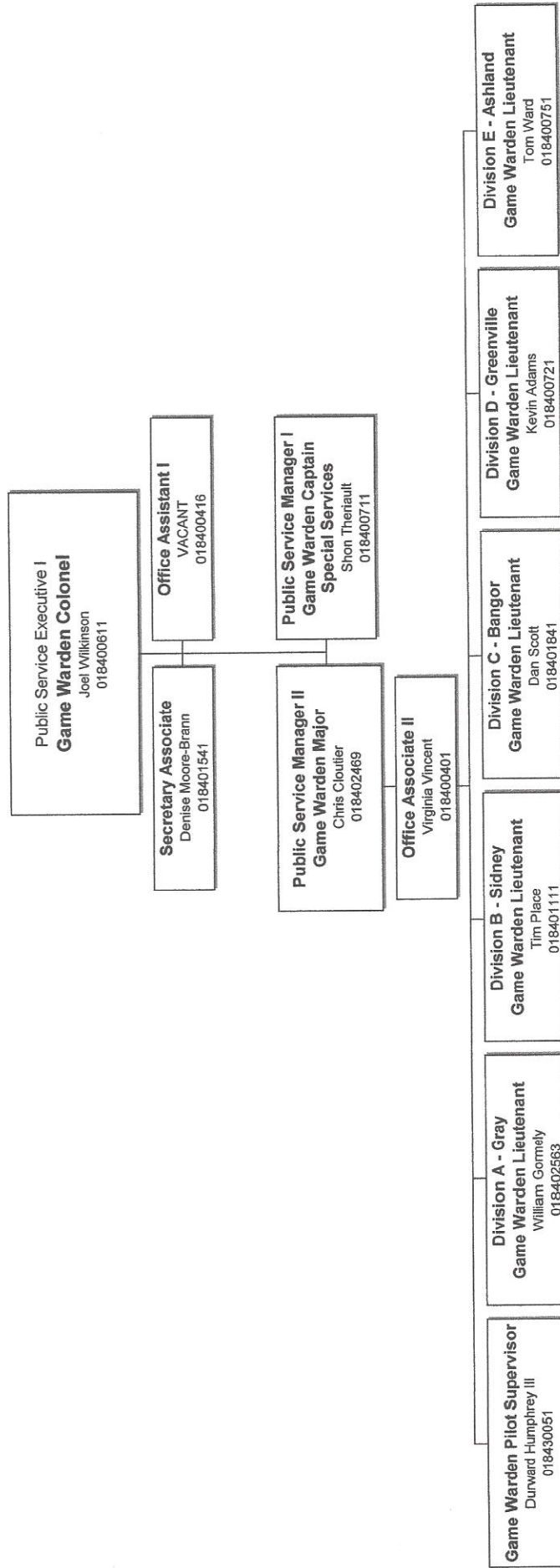
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**Land Acquisition & Development**

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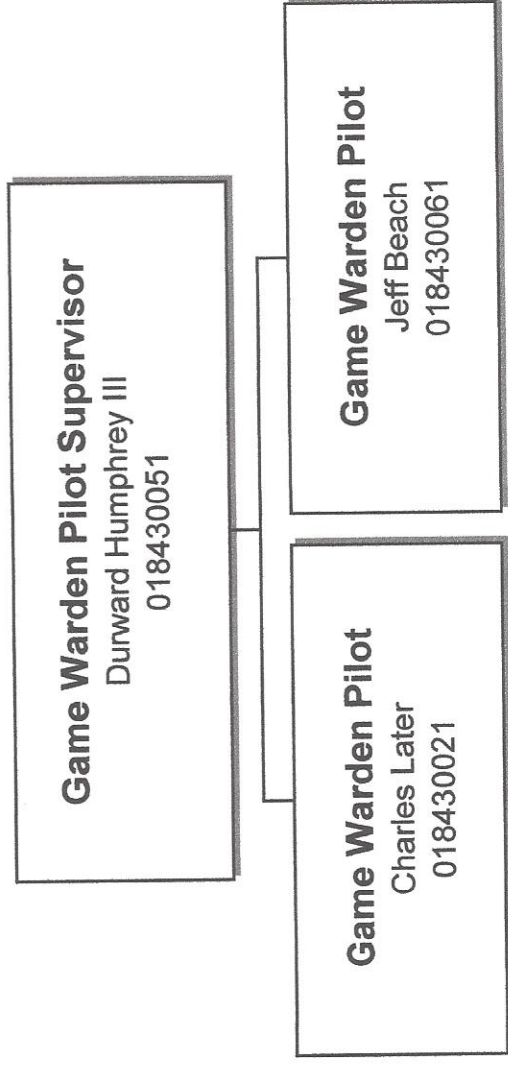
**DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
BUREAU OF WARDEN SERVICE**

LASTED EDITED: February 2014



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BUREAU OF WARDEN SERVICE**

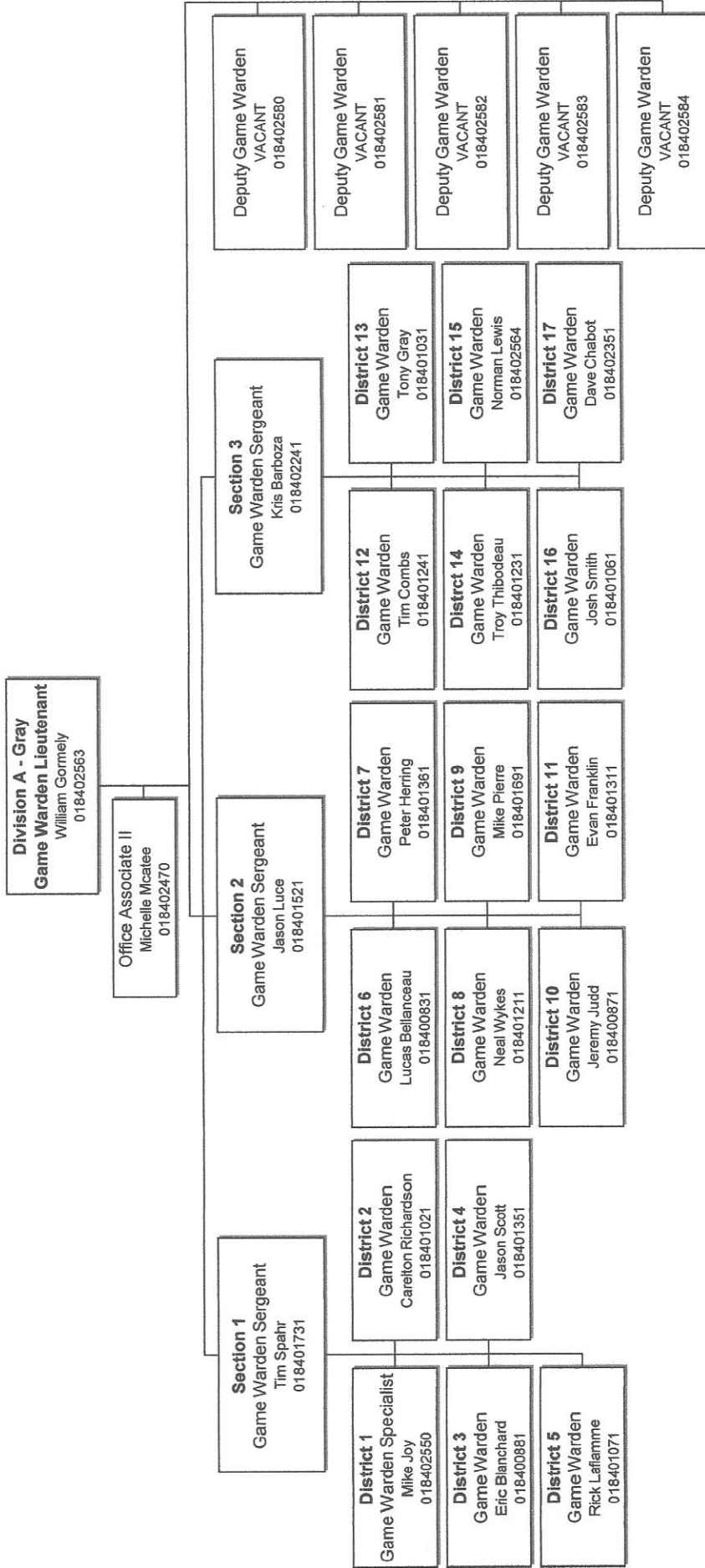
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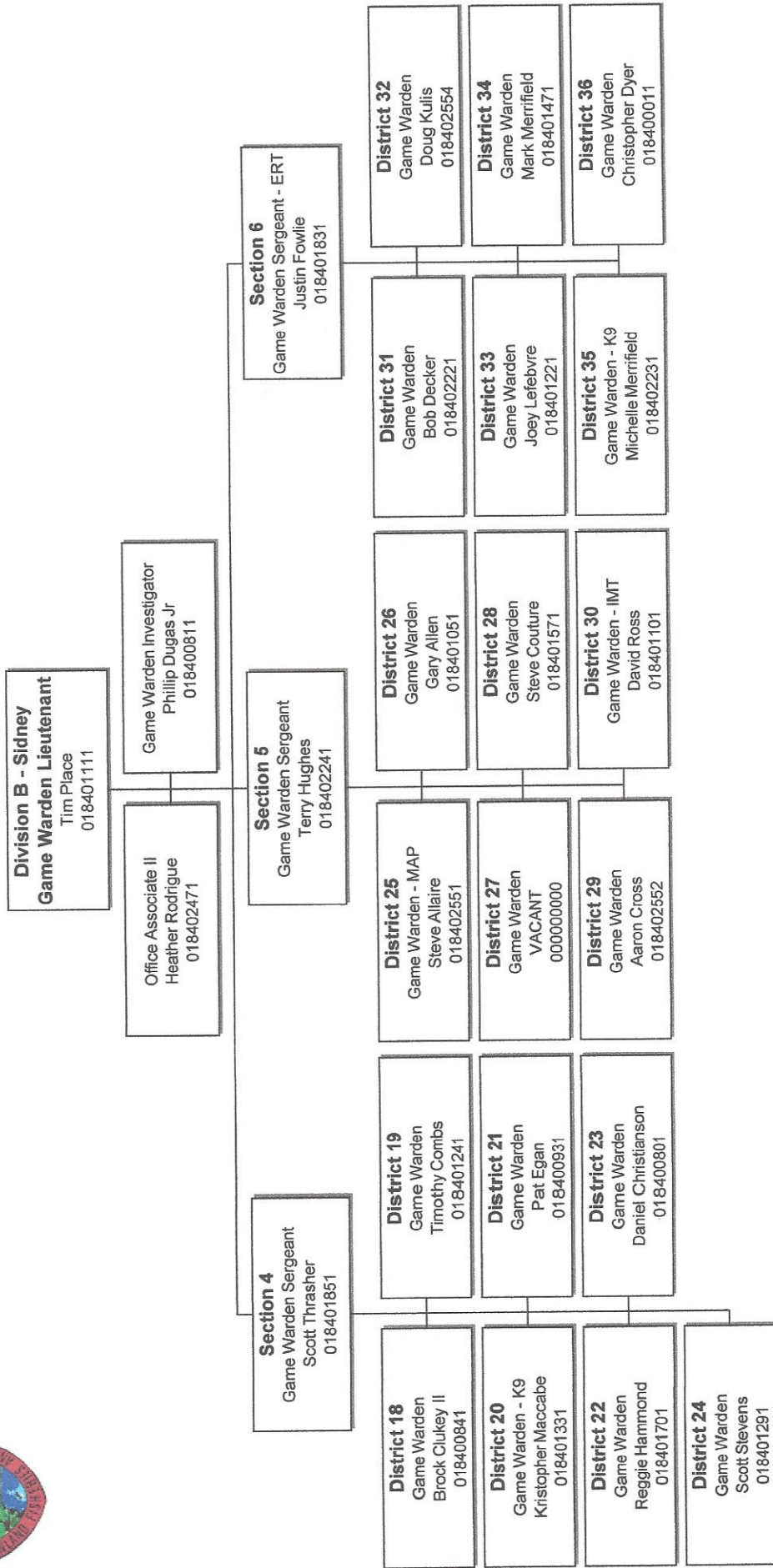
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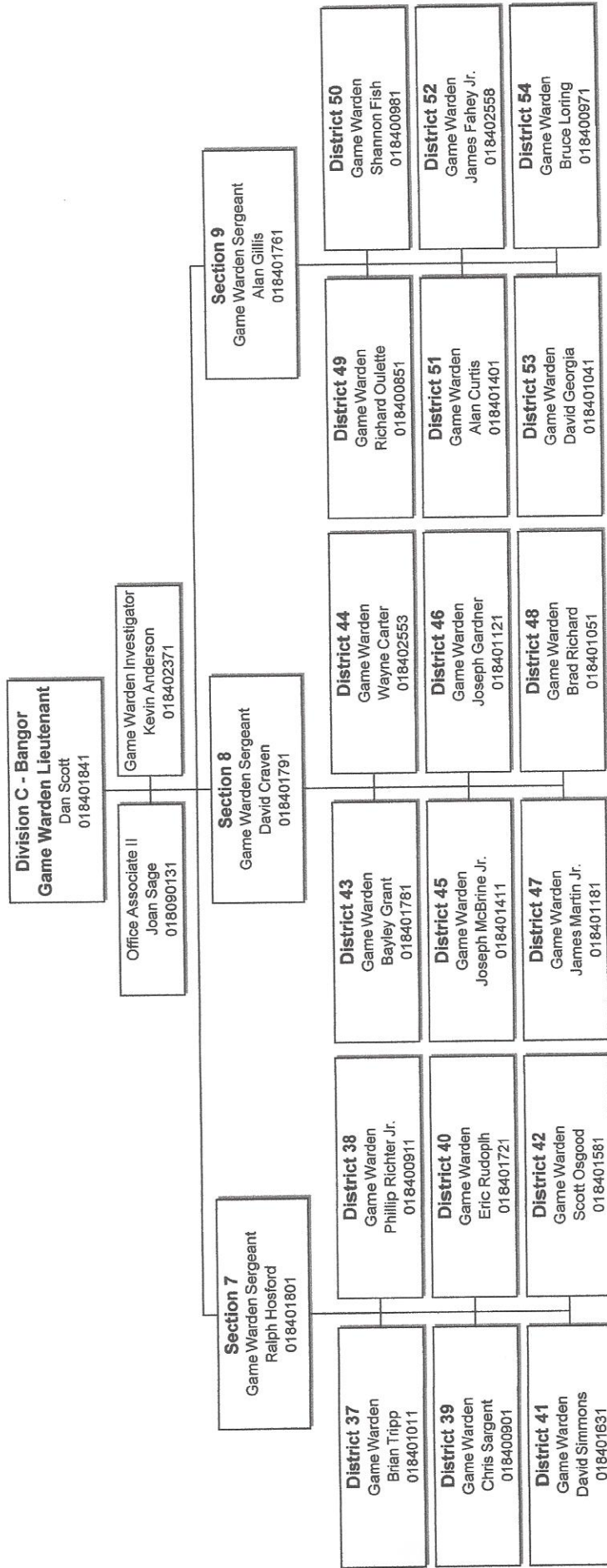
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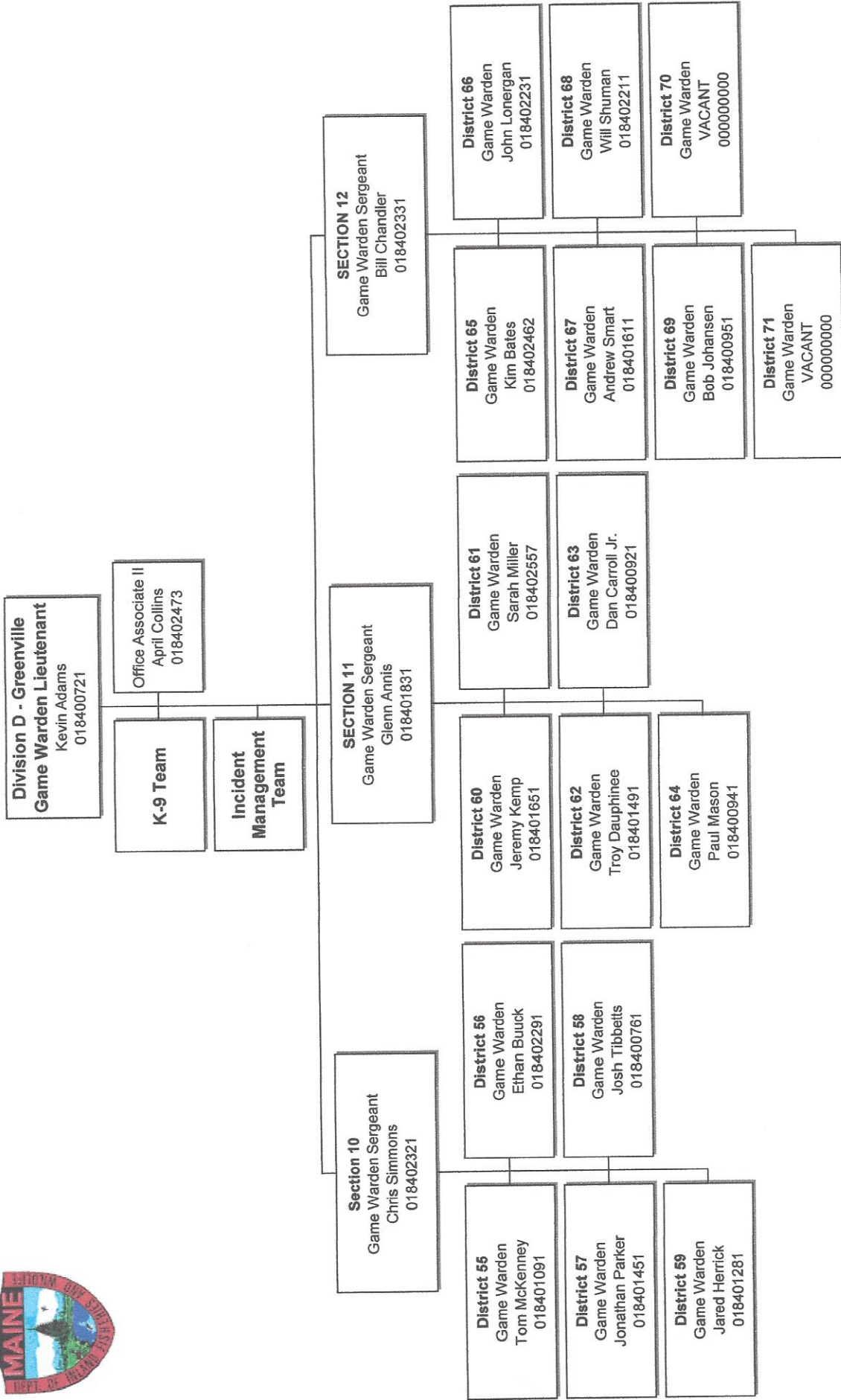
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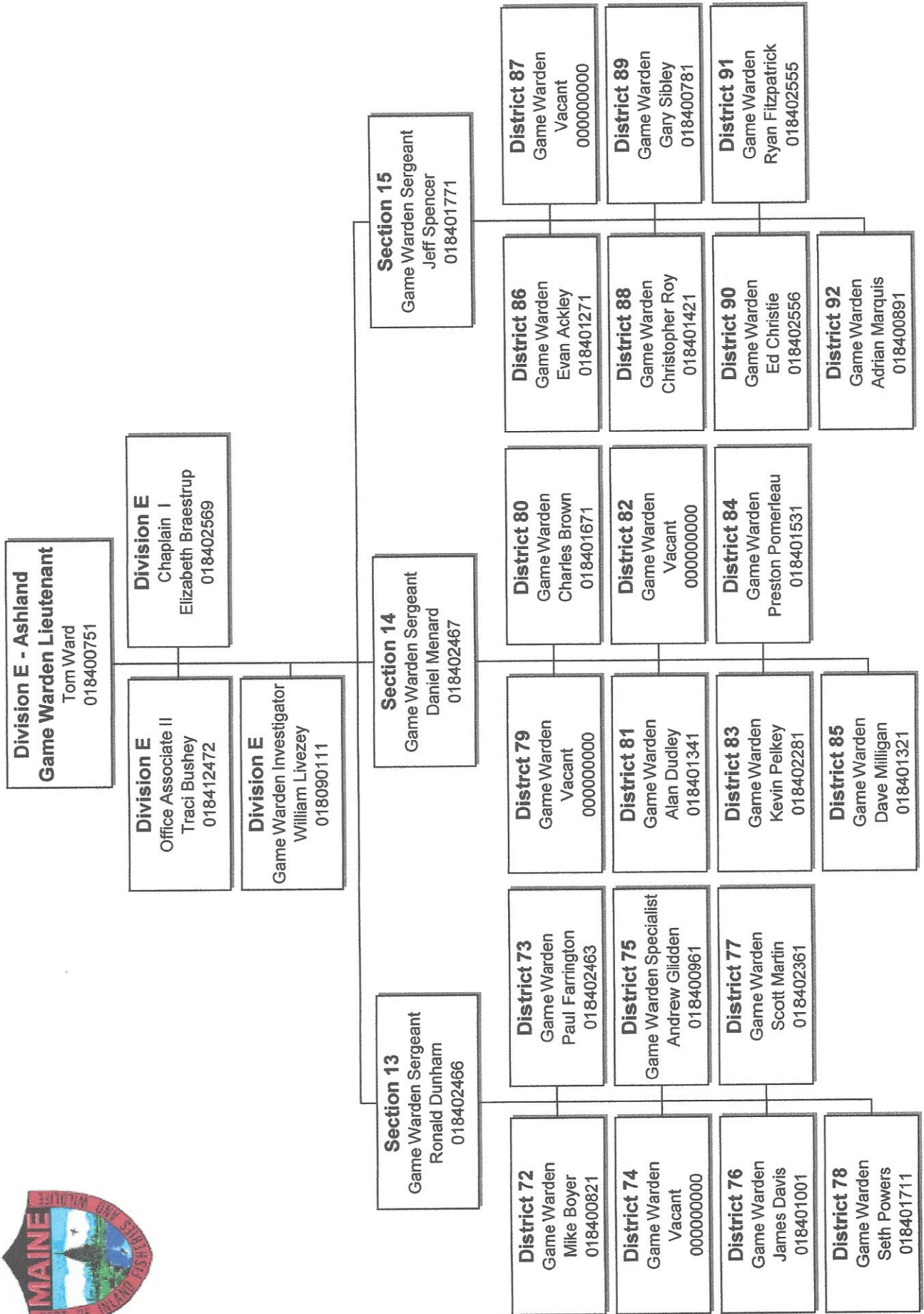
**DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
BUREAU OF WARDEN SERVICE**

LASTEST EDITED: February 2014



# DEPARTMENT OF INLAND FISHERIES AND WILDLIFE BUREAU OF WARDEN SERVICE

LASTED EDITED: February 2014



## INDEX

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## IFW CLOTHING REQUEST FORM - FISHERIES

EMPLOYEE:

LOCATION:

TITLE:

QTY	ITEM DESCRIPTION	SIZE	COST	REASON FOR ISSUE
	SHIRT, MENS COLUMBIA (long sleeve)	S M L XL 2X Reg or Tall	\$60	
	SHIRT, MENS COLUMBIA (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, MENS WINTER LL BEAN (chamois)	S M L XL 2X Reg or Tall	\$50	
	SHIRT, LADIES COLUMBIA (long sleeve)	S M L XL 2X	\$60	
	SHIRT, LADIES COLUMBIA (short sleeve)	S M L XL 2X	\$60	
	SHIRT, WINTER CABELAS (chamois)	S M L XL 2X	\$30	
	T SHIRT, MENS COTTON	S M L XL 2X 3X Reg or Tall	\$5	
	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, LADIES, COTTON	S M L XL 2X	\$10	
	T SHIRT, LADIES MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$50	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$50	
	RAIN GEAR, MENS PANTS – LL Bean	S M L XL 2X Reg or Tall	\$60	
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, LADIES PANTS - LL Bean	S M L XL 2X Reg	\$60	
	RAIN GEAR, MENS JACKET – LL Bean	S M L XL 2X Reg or Tall	\$66	
	RAIN GEAR, LADIES JACKET - LL BEAN	S M L XL 2X Reg	\$66	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	CAP, SUMMER LOGO (baseball) – REG		\$10	
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$10	
	CAP, WINTER FLEECE – BLACK		\$10	
	CAP, WINTER FLEECE – ORANGE		\$10	
	GLOVE, LEATHER THINSULATE	S M L XL	\$25	
	GLOVE, ATLAS	S M L XL	\$20	
	GLOVE, NEOPRENE	S M L XL	\$20	
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	
	GLOVE, SNOW (CHOKO)	S M L XL	\$45	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$215	
	BELT (should go 2" above waist size)	Waist:	\$30	
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$251	
	PULLOVER ULTRA CLUB ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$35	
	PULLOVER LL BEAN ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$35	
	VEST, ORANGE SAFETY	S M L XL 2X	\$20	
	BOOT, HIP, INSULATED (Trapline)	Size:	\$165	
	BOOT, HIP, NONINSULATED	Size:	\$140	
	BOOT, PACK, INSULATED	Size:	\$95	
	BOOT, PACK, NONINSULATED	Size:	\$90	
	BOOT, MUCK WETLAND	Size:	\$130	
	BOOT, MUCK ARCTIC SPORT	Size:	\$140	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$110	
SPECIAL ISSUE ONLY				
	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$65	
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$65	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$200	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$175	
	BOOT, MUCK ARCTIC PRO	Size:	\$175	
	BOOT, SCHNEE HUNTER	Size:	\$240	
	BOOT, SCHNEE EXTREME	Size:	\$255	

## IFW CLOTHING REQUEST FORM - FISHERIES

EMPLOYEE:

LOCATION:

TITLE:

QTY	ITEM DESCRIPTION	SIZE	COST	REASON FOR ISSUE
	SHIRT, MENS COLUMBIA (long sleeve)	S M L XL 2X Reg or Tall	\$60	7 in any combination
	SHIRT, MENS COLUMBIA (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, MENS WINTER LL BEAN (chamois)	S M L XL 2X Reg or Tall	\$50	
	SHIRT, LADIES COLUMBIA (long sleeve)	S M L XL 2X	\$60	
	SHIRT, LADIES COLUMBIA (short sleeve)	S M L XL 2X	\$60	
	SHIRT, WINTER CABELAS (chamois)	S M L XL 2X	\$30	
	T SHIRT, MENS COTTON	S M L XL 2X 3X Reg or Tall	\$5	7 in any combination
	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, LADIES, COTTON	S M L XL 2X	\$10	
	T SHIRT, LADIES MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	5 in any combination
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$50	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$50	
	RAIN GEAR, MENS PANTS – LL Bean	S M L XL 2X Reg or Tall	\$60	1 set
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, LADIES PANTS - LL Bean	S M L XL 2X Reg	\$60	
	RAIN GEAR, MENS JACKET – LL Bean	S M L XL 2X Reg or Tall	\$66	
	RAIN GEAR, LADIES JACKET - LL BEAN	S M L XL 2X Reg	\$66	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	CAP, SUMMER LOGO (baseball) – REG		\$10	2 in any combination
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$10	
	CAP, WINTER FLEECE – BLACK		\$10	1 color
	CAP, WINTER FLEECE – ORANGE		\$10	
	GLOVE, LEATHER THINSULATE	S M L XL	\$25	2 in any combination
	GLOVE, ATLAS	S M L XL	\$20	
	GLOVE, NEOPRENE	S M L XL	\$20	
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	1 pair
	GLOVE, SNOW (CHOKO)	S M L XL	\$45	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	1 pair
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$215	
	BELT (should go 2" above waist size)	Waist:	\$30	1 each
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$210	
	PULLOVER ULTRA CLUB ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$35	
	PULLOVER LL BEAN ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$35	
	VEST, ORANGE SAFETY	S M L XL 2X	\$20	
	BOOT, HIP, INSULATED (Trapline)	Size:	\$165	1 pair
	BOOT, HIP, NONINSULATED	Size:	\$140	
	BOOT, PACK, INSULATED	Size:	\$95	1 pair
	BOOT, PACK, NONINSULATED	Size:	\$90	
	BOOT, MUCK WETLAND	Size:	\$130	
	BOOT, MUCK ARCTIC SPORT	Size:	\$140	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$110	
SPECIAL ISSUE ONLY				
	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$65	Only as needed
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$65	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$200	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$175	
	BOOT, MUCK ARCTIC PRO	Size:	\$175	
	BOOT, SCHNEE HUNTER	Size:	\$240	
	BOOT, SCHNEE EXTREME	Size:	\$255	



**IFW CLOTHING REQUEST FORM - HATCHERIES**

EMPLOYEE:

LOCATION:

TITLE:

QTY	ITEM DESCRIPTION	SIZE	COST	REASON FOR ISSUE
	SHIRT, MENS COLUMBIA (long sleeve)	S M L XL 2X Reg or Tall	\$60	
	SHIRT, MENS COLUMBIA (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, MENS WINTER LL BEAN (chamois)	S M L XL 2X Reg or Tall	\$60	
	SHIRT, LADIES COLUMBIA (long sleeve)	S M L XL 2X	\$60	
	SHIRT, LADIES COLUMBIA (short sleeve)	S M L XL 2X	\$60	
	SHIRT, WINTER, LLB (chamois)	S M L XL 2X	\$60	
	T SHIRT, MENS COTTON	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$15	
	T SHIRT, LADIES, COTTON	S M L XL 2X	\$10	
	T SHIRT, LADIES MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$15	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$70	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$70	
	RAIN GEAR, MENS PANTS – LL Bean	S M L XL 2X Reg or Tall	\$60	
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, LADIES PANTS - LL Bean	S M L XL 2X Reg	\$60	
	RAIN GEAR, MENS JACKET – LL Bean	S M L XL 2X Reg or Tall	\$66	
	RAIN GEAR, LADIES JACKET - LL BEAN	S M L XL 2X Reg	\$66	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	CAP, SUMMER LOGO (baseball) – REG		\$10	
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$16	
	CAP, WINTER FLEECE – BLACK		\$15	
	CAP, WINTER FLEECE – ORANGE		\$15	
	GLOVE, LEATHER THINSULATE	S M L XL	\$30	
	GLOVE, ATLAS	S M L XL	\$21	
	GLOVE, NEOPRENE	S M L XL	\$25	
	BELT (should go 2" above waist size)	Waist:	\$30	
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$251	
	PULLOVER ULTRA CLUB ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$40	
	PULLOVER LL BEAN ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$40	
	VEST, ORANGE SAFETY	S M L XL 2X	\$24	
	BOOT, HIP, INSULATED (Trapline)	Size:	\$215	
	BOOT, HIP, NONINSULATED	Size:	\$190	
	BOOT, PACK, INSULATED	Size:	\$130	
	BOOT, PACK, NONINSULATED	Size:	\$110	
	BOOT, MUCK WETLAND	Size:	\$175	
	BOOT, MUCK ARCTIC SPORT	Size:	\$180	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$120	
<b>SPECIAL ISSUE ONLY</b>				
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	
	GLOVE, SNOW MENS (CHOKO)	S M L XL	\$60	
	GLOVE, SNOW LADIES (CHOKO)	S M L XL	\$60	
	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$75	
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$75	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$250+	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$270	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$260	
	COVERALLS, KEY (runs small)	S M L XL 2X Reg or Tall	\$75	
	BOOT, MUCK ARCTIC PRO	Size:	\$240	
	BOOT, SCHNEE HUNTER	Size:	\$251	
	BOOT, SCHNEE EXTREME	Size:	\$255	

## IFW CLOTHING REQUEST FORM - HATCHERIES

EMPLOYEE:

LOCATION:

TITLE:

QTY	ITEM DESCRIPTION	SIZE	COST	MAX # ALLOWED BY EMPLOYEE (IF NEEDED)
	SHIRT, MENS (long sleeve)	S M L XL 2X Reg or Tall	\$60	7 in any combination
	SHIRT, MENS (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, WINTER (chamois)	S M L XL 2X Reg or Tall	\$50	
	SHIRT, LADIES (short sleeve)	S M L XL	\$60	
	SHIRT, LADIES (long sleeve)	S M L XL	\$55	
	T SHIRT, COTTON	S M L XL 2X 3X Reg or Tall	\$5	7 in any combination
	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, LADIES MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	5 in any combination
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$50	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$50	
	RAIN GEAR, PANTS – LL Bean	S M L XL 2X Reg or Tall	\$50	1 set
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, JACKET – LL Bean	S M L XL 2X Reg or Tall	\$55	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	CAP, SUMMER LOGO (baseball) – REG		\$10	2 in any combination
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$10	
	CAP, WINTER FLEECE – BLACK		\$10	1 color
	CAP, WINTER FLEECE – ORANGE		\$10	
	GLOVE, LEATHER THINSULATE	S M L XL	\$25	2 in any combination
	GLOVE, ATLAS	S M L XL	\$20	
	GLOVE, NEOPRENE	S M L XL	\$20	
	BELT (should go 2" above waist size)	Waist:	\$30	1 each
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$210	
	PULLOVER ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$35	
	PULLOVER ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$35	
	VEST, ORANGE SAFETY	S M L XL 2X	\$20	
	BOOT, HIP, INSULATED (Trapline)	Size:	\$165	1 pair
	BOOT, HIP, NONINSULATED	Size:	\$140	
	BOOT, PACK, INSULATED	Size:	\$95	1 pair
	BOOT, PACK, NONINSULATED	Size:	\$90	
	BOOT, MUCK WETLAND	Size:	\$130	
	BOOT, MUCK ARCTIC SPORT	Size:	\$140	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$110	
SPECIAL ISSUE ONLY				
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	Only as needed
	GLOVE, SNOW (CHOKO)	S M L XL	\$45	
	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$65	
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$65	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$200	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$175	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$215	
	COVERALLS, KEY (runs small)	S M L XL 2X Reg or Tall	\$75	
	BOOT, MUCK ARCTIC PRO	Size:	\$175	
	BOOT, SCHNEE HUNTER	Size:	\$240	
	BOOT, SCHNEE EXTREME	Size:	\$255	

**IFW CLOTHING REQUEST FORM - WILDLIFE**

EMPLOYEE:

LOCATION:

TITLE:

QTY	ITEM DESCRIPTION	SIZE	COST	REASON FOR ISSUE
	SHIRT, MENS (long sleeve)	S M L XL 2X Reg or Tall	\$60	
	SHIRT, MENS (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, WINTER (chamois)	S M L XL 2X Reg or Tall	\$50	
	SHIRT, LADIES (short sleeve)	XSM S M L XL	\$60	
	SHIRT, LADIES (long sleeve)	XSM S M L XL	\$55	
	T SHIRT, MEN'S COTTON	S M L XL 2X 3X Reg or Tall	\$5	
	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, LADIES, COTTON	XSM S M L XL 2X		
	T SHIRT, LADIES MOISTURE WICK	XSM S M L XL 2X	\$10	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$50	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$50	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$215	
	RAIN GEAR, MEN'S PANTS – LL Bean	S M L XL 2X Reg or Tall	\$50	
	RAIN GEAR, LADIES PANTS - LL Bean	XS S M L XL 2X 3X Pet Reg Plus	\$50	
	RAIN GEAR JACKET - MENS LL BEAN	S M L XL 2X Reg or Tall		
	RAIN GEAR, JACKET – LADIES LL Bean	S M L XL 2X 3X Pet Reg Plus	\$55	
	CAP, SUMMER LOGO (baseball) – REG		\$10	
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$10	
	CAP, WINTER FLEECE – BLACK		\$10	
	CAP, WINTER FLEECE – ORANGE		\$10	
	GLOVE, LEATHER THINSULATE	S M L XL	\$25	
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	
	GLOVE, SNOW (CHOKO)	S M L XL	\$45	
	BELT (should go 2" above waist size)	Waist:	\$30	
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$230	
	PULLOVER ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$35	
	PULLOVER ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$35	
	VEST, ORANGE SAFETY	S M L XL 2X	\$20	
	BOOT, PACK, INSULATED	Size:	\$95	
	BOOT, PACK, NONINSULATED	Size:	\$90	
	BOOT, MUCK WETLAND	Size:	\$130	
	BOOT, MUCK ARCTIC SPORT	Size:	\$140	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$110	
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	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$65	
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$65	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	GLOVE, ATLAS	S M L XL	\$20	
	GLOVE, NEOPRENE	S M L XL	\$20	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$200	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$175	
	COVERALLS, KEY (runs small)	S M L XL 2X Reg or Tall	\$75	
	BOOT, HIP, INSULATED (Trapline)	Size:	\$165	
	BOOT, HIP, NONINSULATED	Size:	\$140	
	BOOT, MUCK ARCTIC PRO	Size:	\$175	
	BOOT, SCHNEE HUNTER	Size:	\$240	
	BOOT, SCHNEE EXTREME	Size:	\$255	

## IFW CLOTHING REQUEST FORM - WILDLIFE

EMPLOYEE:

LOCATION:

TITLE:

QTY	ITEM DESCRIPTION	SIZE	COST	MAX # ALLOWED BY EMPLOYEE (IF NEEDED)
	SHIRT, MENS (long sleeve)	S M L XL 2X Reg or Tall	\$60	7 in any combination
	SHIRT, MENS (short sleeve)	S M L XL 2X Reg or Tall	\$55	
	SHIRT, WINTER (chamois)	S M L XL 2X Reg or Tall	\$50	
	SHIRT, LADIES (short sleeve)	S M L XL	\$60	
	SHIRT, LADIES (long sleeve)	S M L XL	\$55	
	T SHIRT, COTTON	S M L XL 2X 3X Reg or Tall	\$5	7 in any combination
	T SHIRT, MENS MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	T SHIRT, LADIES MOISTURE WICK	S M L XL 2X 3X Reg or Tall	\$10	
	PANTS, COTTON, MENS VERTEX	Waist: Inseam:	\$40	5 in any combination
	PANTS, COTTON, MENS ARBOR (heavy)	Waist: Inseam:	\$50	
	PANTS, COTTON, LADIES VERTEX	4 6 8 10 12 14 16 Inseam:	\$40	
	PANTS, COTTON, LADIES ARBOR (heavy)	4 6 8 10 12 14 16 Inseam:	\$50	
	PANTS, WINTER BIB (STANDARD)	S M L XL 2X Short Reg Tall	\$160	1 pair
	PANTS, WINTER BIB (EXTREME)	S M L XL 2X Short Reg Tall	\$215	
	RAIN GEAR, PANTS – LL Bean	S M L XL 2X Reg or Tall	\$50	1 set
	RAIN GEAR, LADIES PANTS - LL Bean	XS S M L XL	\$50	
	RAIN GEAR, JACKET – LL Bean	S M L XL 2X Reg or Tall	\$55	
	CAP, SUMMER LOGO (baseball) – REG		\$10	2 in any combination
	CAP, SUMMER LOGO (baseball) – FLEX	SM/MED LG/XLG	\$15	
	CAP, SUMMER LOGO (baseball) – ORANGE		\$10	
	CAP, WINTER FLEECE – BLACK		\$10	1 color
	CAP, WINTER FLEECE – ORANGE		\$10	
	GLOVE, LEATHER THINSULATE	S M L XL	\$25	2 in any combination
	GLOVE, SNOW (CHOPPER)	S M L XL	\$50	
	GLOVE, SNOW (CHOKO)	S M L XL	\$45	
	BELT (should go 2" above waist size)	Waist:	\$30	1 each
	JACKET, 5.11 (3 Season)	S M L XL 2X Reg or Tall	\$210	
	PULLOVER ¼ ZIP FLEECE, MENS	S M L XL 2X 3X (no talls)	\$35	
	PULLOVER ¼ ZIP FLEECE, LADIES	S M L XL 2X 3X (no talls)	\$35	
	VEST, ORANGE SAFETY	S M L XL 2X	\$20	
	BOOT, PACK, INSULATED	Size:	\$95	1 pair
	BOOT, PACK, NONINSULATED	Size:	\$90	
	BOOT, MUCK WETLAND	Size:	\$130	
	BOOT, MUCK ARCTIC SPORT	Size:	\$140	
	BOOT, BURLEY (18" tall w/ buckle)	Size:	\$110	
<b>SPECIAL ISSUE ONLY</b>				
	RAIN GEAR, PANTS – Cofish	S M L XL 2X Reg or Tall	\$65	
	RAIN GEAR, PANTS – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	RAIN GEAR, JACKET – Cofish	S M L XL 2X Reg or Tall	\$65	
	RAIN GEAR, JACKET – Dutch Harbor	S M L XL 2X Reg or Tall	\$30	
	GLOVE, ATLAS	S M L XL	\$20	
	GLOVE, NEOPRENE	S M L XL	\$20	
	JACKET, WINTER PARKA	S M L XL 2X	\$250	
	JACKET, WOOL, GREEN	S M L XL 2X	\$200	
	VEST, WOOL, FLEECE LINED	S M L XL 2X	\$70	
	PANTS, WOOL, GREEN	Waist: Inseam:	\$175	
	COVERALLS, KEY (runs small)	S M L XL 2X Reg or Tall	\$75	
	BOOT, HIP, INSULATED (Trapline)	Size:	\$165	
	BOOT, HIP, NONINSULATED	Size:	\$140	
	BOOT, MUCK ARCTIC PRO	Size:	\$175	
	BOOT, SCHNEE HUNTER	Size:	\$240	
	BOOT, SCHNEE EXTREME	Size:	\$255	

**MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
WORK BOOT REIMBURSEMENT REQUEST**

**NOTE:** For reimbursement, the following four items are required:

- 1) Employee completes section "A" for supervisor's approval.
- 2) Supervisor approves form and completes work boot payment codes in section "B"
- 3) Employee attaches a copy of original bill(s) and receipts
- 4) Employee has waited at least two years from date of last purchase; or completion of section "C"

**A. Employee Information and Certification**

Employee Name (Please Print): \_\_\_\_\_ Employee Number: \_\_\_\_\_

Job Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

I have purchased a pair of work boots, for my own use while working, in accordance with MDIFW's policy on Clothing and Personal Appearance Standards – B1.3, section 16. I am requesting reimbursement in the amount of \$ \_\_\_\_\_ (amount not to exceed \$150.00).

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**B. Supervisor Confirmation**

The immediate supervisor by signing below confirms this employee is eligible for reimbursement for work boots purchased in accordance with MDIFW's policy on Clothing and Personal Appearance Standards – B1.3, section 16.

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Printed Name: \_\_\_\_\_

**Accounting Codes for Payment:**

Fund	Agency	Unit	Sub Unit	Object	Task/Act (optional)
_____	09A	_____	_____	5403	_____
_____	09A	_____	_____	5403	_____

**C. Employee's Request for Early Replacement of Work Boots**

Only complete this section when employee is requesting work boot replacement before the two year interval has been met, per MDIFW's policy on Clothing and Personal Appearance Standards – B1.3, section 16.

Employee, please describe the reason for your request for an early replacement of work boots:

\_\_\_\_\_  
\_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Division Director, please concur by signing below:**

Division Director Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

## ADMINISTRATIVE POLICY REGARDING PROCUREMENT CARDS

The State of Maine Procurement Card (P-Card) and Travel P-Card Program is managed by the Department of Administrative and Financial Services (DAFS), Bureau of General Services (BGS), Division of Purchases (DOP). This policy only refers to the State's P-Card and Travel P-Card program, currently provided through the vendor, US Bank. The program provides a simple and easy-to-use payment method that increases efficiency and reduces costs to State Government.

Some Department employees have been entrusted with the ability to make procurement card purchases. Though the procurement card eliminates many time-consuming processes for these purchases, **it is not intended to avoid or bypass appropriate State statutes, rules, policies or guidelines.** Cardholders are expected to make sound business decisions in the best interest of the Department and the State and **always comply with State policies and procedures.**

This policy is subject to change at any time by the Division of Purchases. Failing to abide by the Division of Purchases policy is considered a violation of the State of Maine's purchasing authority. To find the most up-to-date policy manual from the Division of Purchases, please go to <http://www.maine.gov/purchases/procurement/index.shtml>.

The Department of Inland Fisheries & Wildlife policy regarding the use of procurement cards will follow the Division of Purchases policy. This following information is from that policy. This is only an overview and any cardholder should be familiar with the full policy available at the above referenced website.

### HOW DOES THE P-CARD WORK?

The P-Card is a commercial MasterCard credit card. It works similarly to a personal credit card except the charges are billed directly to the State with the initial payment made by DAFS, then billed back every Billing Cycle to the appropriate Departments through the AdvantageME process.

### TRAVEL P-CARDS

Travel cards work the same way as the P-card but are for making travel related purchases only. These cards are not allowed to leave the office with an employee/traveler.

### REQUESTING A CARD

If your supervisor has determined that your position would benefit from having a P-card, the request is to be submitted to the appropriate department procurement card coordinator. Once the required forms are completed they are then sent to the P-card manager at the Division of Purchases. The card holder is also required to complete a series of web-based training. Details on how, and which, courses to take are found on the Division of Purchases website under the "Procurement Cards" page.

After the application has been processed and approved, the individual will be assigned a user ID and password and will be sent an e-mail notification with the details for receipt and activation of the P-card.

The same process is used for a P-card approver including the web based training.

## P-CARD USES

Except in rare and unusual circumstances, there is a maximum single transaction limit of \$5,000 and a maximum billing cycle transaction limit of \$25,000.

Cardholders **cannot** use their P-card for the purchase of certain established items; see the “Procurement & Travel Card Quick Reference Guidelines **(this is to replace the non-allowable list)** list of the “Procurement Cards” page at the Division of Purchases website. Any exceptions to the Quick Reference Guidelines list will be authorized in writing by the approver and the Division of Purchases buyer and must be part of the transaction documentation which is turned in to the NRSC.

The P-card must **never** be used to purchase items for personal use or for non-State purposes, even if the card holder intends to reimburse the State.

Transactions for a single purchase **cannot be stacked or split** into separate transactions to avoid exceeding a cardholder’s limits. Transactions **cannot be split** into separate transactions among two or more card holders. Transactions **cannot be split** into two or more different payment types (P-card, invoice, petty cash, etc.).

A cardholder who makes an unauthorized purchase with a P-card or uses the P-card in an inappropriate manner, may be subject to the loss of the P-card, or disciplinary action up to and including termination, possible criminal prosecution, and restitution.

Documentation **is required** for all purchases, i.e. sales slip; cash register receipt; repair order. When the receipt is missing, please use the alternative documentation form. Every effort should be made to retain the original receipt.

Lost, stolen or damaged cards are to be immediately reported lost or stolen to the 1-800 number on the back of your P-card. The cardholder must immediately notify their supervisor/approver and coordinator as soon as possible. If your card becomes damaged, notify your supervisor/approver and arrangements will be made to replace the card by contacting US Bank with the 1-800 number on the back of your P-Card.

All transactions must be approved by the appropriate approver.

For further, more detailed instructions, information, rules, and guidelines, please go to the Division of Purchases website and locate the Procurement Cards section which can be found at: <http://www.maine.gov/purchases/procurement/index.shtml>.

**NOTE: The DAFS Division of Purchases may make exceptions to their Policies & Procedures Manual as deemed necessary and allowed by State Statutes, rules, policies or guidelines.**

## C1.2

### ADMINISTRATIVE POLICY REGARDING PURCHASING

The Maine Department of Inland Fisheries & Wildlife will follow the guidelines provided by the Division of Purchases regarding purchasing and contracting. Please find their basic guidelines below.

#### **DAFS/BGS Division of Purchases** **Basic Contracting and Commodity Procurement Guidelines**

##### **Types of Service Agreements**

###### **1. Contract:**

A contract is a written agreement between a provider and the State of Maine describing the services to be performed, the terms and conditions agreed to by the parties, the cost of the services and how payment will be made. The principal purpose of a contract is to purchase, lease, or barter property or services for the direct benefit of the government. A contract is generally awarded to a provider if the provider is the winner in a competitive bidding process (RFP). However, a contract may be awarded if there is a valid sole source justification. The contract document will be an Agreement to Purchase Services (BP-54), which is a legally binding written agreement between the provider and the Department.

###### **2. Grant:**

A grant is written agreement between a provider and the State of Maine describing the terms, conditions, and scope of performance or action that is expected of the provider. The principle purpose of a grant is the transfer of money, property, services or anything of value to the recipient in order to accomplish a public purpose of support with no substantial involvement between the State and the recipients during the performance of the activity. For example, an agreement under which a provider provides services directly to clients with no substantial involvement of the State would be a grant. A grant is generally awarded to a provider if the provider is the winner in a competitive bidding process (RFP). However, a grant may be awarded if there is a valid sole source justification. The grant document will be an Agreement to Purchase Services (BP-54), which is a legally binding written agreement between the provider and the Department.

###### **3. Cooperative Agreement:**

A Cooperative Agreement is an agreement between the State of Maine and the University of Maine System to jointly participate in a cooperative project under the terms of the General Policy Agreement for State/University Cooperative Agreements of September, 1989. A cooperative project is defined as “any activity of interest to the State of Maine where joint participation between the State and the University will improve the capacity of the State of Maine to provide services to the people of the State, and will enhance the ability of the University to further its teaching, research and public service missions”. Any cooperative agreement must be approved by the Governor’s Office



prior to the execution of any agreement. Examples of projects that would meet these criteria include those that:

- A. provides training of students who may be candidates for employment to meet needs of the public and private sectors in Maine;
- B. support research and development projects that generate needed information or enhance the expertise of University faculty and research staff in areas needed by the State;
- C. provides public service that leads to the dissemination of University expertise to various constituencies in the State and/or that addresses critical State needs.

### **Service Contract Guidelines**

#### **1. Contracts: (When you need to purchase a service)**

- Up to \$5,000
  - BP18 Required
- \$5,001 to \$10,000
  - Contact the Division of Purchases and explain what you need. They will help you figure out how to proceed. BP54 and BP37SS or BP37CA required.
- Over \$10,000
  - Subject to Request for Proposal (RFP)

#### **2. Temporary Staffing Services Contracts**

When requesting a temporary staffing service contract, a BP37TEMP form should be completed and provided to the Division of Purchases along with the BP18 or BP54 Contract form that is applicable. For all temporary staffing service contracts the following dollar thresholds apply to the procurement process:

- Up to \$10,000 – emailed quotes from three temporary staffing service vendors (contact Division of Purchases for a list of these vendors)
- \$10,001 to \$25,000 – email the job description(s) to all temporary staffing service vendors on the aforementioned list
- Over \$25,000 – Request for Proposals process required

### **Commodity Purchase Guidelines**

A commodity is a good whose wide availability typically leads to smaller profit margins and diminishes the importance of factors other than price.

Before making a commodity purchase you need to ask these questions:

- Can the item be purchased from Central Warehouse? If yes, an AdvantageME Delivery Order (DO) is required.

- Is there a Master Agreement for this commodity on the Division of Purchases' website <http://www.maine.gov/purchases/contracts/pals.html>? If yes, a procurement card (p-card) transaction **OR** a DO is required.
- Is this a request for a printing job using an outside vendor (not Central Print)? Must process a Requisition (RQS) on AdvantageME (see process below). All print jobs must be handled by the Buyer that handles printing for the Division of Purchases.  
([Debbie.Jacques@maine.gov](mailto:Debbie.Jacques@maine.gov))

**Items Under \$5,000:** For items under \$5,000 (not printing or on Master Agreement) you can purchase using your p-card or do a simple Purchase Order (PO) in AdvantageME. If you are ordering multiple related items or quantities of similar items that have a unit price that is under \$5,000, but the total expense is over \$5,000, then the Division of Purchases will procure the items for you. Please follow the RQS process below or contact the Division buyer. The following website address will help you identify the appropriate Buyer to contact:  
<http://www.maine.gov/purchases/commodities.shtml>

**RQS Process:** In order for the Division of Purchases to procure an item for you, we will need the detailed specifications of the requested item(s) attached to an RQS in AdvantageME. Please contact the Division if you need assistance creating an RQS. You will need to have the funding available and account coding ready in order to create an RQS. If you want an item made by a specific manufacturer, you will need to fill out a BP37SS form explaining why this is the only source of this item that is acceptable, and attach the form to the RQS.

**DO Process:** A DO is an AdvantageME procurement document for any item that is covered by a Master Agreement (MA) and is for any dollar amount. Any DO under \$5,000 requires only one level of approval, and over \$5,000 requires three levels of approval the last being a Purchases buyer. The DO account line(s) must use an encumbering (PR05) "event type". The Purchases buyer will be responsible for e-mailing the order(s) to the vendor. The ordering agency will be responsible for e-mailing the vendor the order if it is under \$5,000.

**Executive Order 07 FY10/11, "An Order Establishing the State Procurement Review Committee"**

This Executive Order requires that all contracts greater than \$3 million must be reviewed by the Attorney General's Office before going to provider for signature. Additionally, all contracts greater than \$1 million must be reviewed by the State Procurement Review Committee, which is made up of the Director of the Division of Purchases, the State Budget Officer, the State Controller, the Governor's Office, and – if the contract is IT related – the Chief Information Officer.

**Procurement Card Usage**

The State of Maine p-card program is mentioned above in several places. As a general overview, the p-card program has been established to create an efficient, time-saving method of payment for agencies and vendors alike. The p-card may be used for commodity purchases that are less than \$5,000 in total value (see Items Under \$5,000 above), or certain services under \$1,000 (please see

“Low Value Service Guidelines” on our website, found at: [http://www.maine.gov/purchases/procurement/documents/Low\\_Value\\_Services\\_Guidelines.xls](http://www.maine.gov/purchases/procurement/documents/Low_Value_Services_Guidelines.xls)). In order to acquire a p-card, an applicant must review the State p-card policy, sign an agreement, complete a one-page application form, and complete a training program. The aforementioned documents and all other details regarding the p-card program can be found on the Division of Purchases’ website at the following address: <http://www.maine.gov/purchases/procurement/index.shtml>

### **Purchases (Capital and Non-Capital)**

Agency heads are to develop internal processes to evaluate open market (under \$5,000.00) purchases. Authorized staff should scrutinize purchases carefully to order just those supplies and items needed to maintain operations. Existing procurement card systems and blanket contracts remain in effect, but should be used with discretion.

Large-scale procurements (exceeding \$5,000.00 per transaction) will continue to be processed through the requisition process. An emergency is defined as immediate need to protect the health or safety of the public. Consideration will be given to essential items which must be purchased to maintain basic operations in a cost effective manner.

Confirmation requisitions must be pre-approved by division staff before accepting any items. Confirmation will be limited to items meeting the emergency definition above.

The normal documentation and competitive processes for contracts, grants, and purchases remain unchanged. Each request, regardless of fund source, must include a completed Executive Order Compliance Form, which includes:

1. A statement and supporting information to demonstrate the emergency or essential nature of the contract, grant, or purchases and the expected impact if delayed, postponed or rejected.
2. A detailed description of the fund sources and any required match (whether immediate or by future journal or other transaction).
3. Effort made to reduce the contract or requisition amount (ie: by work reduction, rate concessions, delay of purchase, etc.).
4. Contact person for additional information.
5. Signature of Commissioner or agency head, authorizing the contract, grant, or purchase to move forward.

## ADMINISTRATIVE POLICY REGARDING EXPENSE REIMBURSEMENT

### POLICY

Expenses associated with travel for authorized business purposes will be reimbursed in accordance with state laws and financial rules. Any expenses are subject to approval of the supervisor. Out of State travel is not authorized unless pre-approved by the supervisor.

The policy for Travel Advances and Expense Reimbursement is as follows:

1. Cash advances are available by submitting a Request for Out-of-state Travel and/or Travel Advance Form (BP-14), with proper signatures, to Accounting. The completed form needs to be submitted to Accounting ten (10) working days prior to the scheduled departure to allow time for processing and mailing.
2. Travel advances must be settled within fifteen (15) working days of the return date, by the submission of a completed Travel and Expense Account Voucher (Form BP-22). The Travel and Expense Voucher should be submitted to Accounting within thirty (30) working days of the return date. The State reserves the right to settle overdue cash advances by payroll deduction.
3. No travel advances will be authorized if any previous advances have not been settled, as required by subsection 2, above.

When filling out the Request for Out-of-state Travel and/or Travel Advance form, the following information shall be included:

- All information regarding travel including destination, date of departure and time, date of return and time, and purpose of travel
- Agenda
- Estimated costs and total amount of the advance
- Justification for travel
- Required signatures

When filling out the Travel and Expense Voucher, the following information shall be included:

- All information regarding travel including, destination, date of departure and time; date of return and time, and purpose of travel
- Fill out a separate Travel and Expense Voucher for each travel advance issued
- Mileage for a personal vehicle is \$.44 per mile
- Receipts for:
  - lodging and registration fees
  - airline, train or bus tickets
  - local transportation charges over \$5.00
  - automobile rentals
  - toll and parking charges over \$5.00
  - miscellaneous purchases required for the official business purpose of travel

- ❑ Agenda, if expenses were incurred due to attendance of a meeting or conference
- ❑ No expenses will be allowed that are not included on a travel advance except for emergency purchases - this includes car rentals
- ❑ Tips given for housekeeping, taxi and meals, etc. are included in the per diem for meals. No other reimbursement for tips will be allowed

**If you are requesting reimbursement for meals for extended work hours or per diem reimbursement for over-night travel, you must include your departure and arrival times.**

A Travel and Expense Voucher for expenses other than out-of-state travel or travel advances should be done on a monthly basis. **By federal law, any Travel and Expense Voucher needs to be submitted within 60 days after it was incurred. If a Travel and Expense Voucher is not submitted within 60 days of the date returned or single date of travel, then it may not be reimbursed.**

You can find all travel forms, per diem rates for lodging and meals, and the entire Travel and Expense Policy on Accounts and Control's website <http://www.maine.gov/osc/>.

## C1.4

### PETTY CASH

The purpose of this policy is to establish guidelines in accordance with the Office of the State Controller's State Administrative & Accounting Manual, <http://www.maine.gov/osc/pdf/admin/saam/85.10.pdf>, for the department headquarters and other facilities use of a petty cash fund.

The Department of Inland Fisheries & Wildlife maintains two types of cash accounts:

**Change Accounts** – Used solely for making change in across-the counter cash transactions. This type is used at the Augusta headquarters for the front counter and the information center.

**Petty Cash** – Used to make payments when issuing a check is not practical or timely. These are used at the department headquarters, hatcheries, warden service and the Maine Wildlife Park.

- A. Petty cash accounts will not be established for less than \$50. Petty cash accounts in excess of \$100 must be maintained in a checking account and follow all procedures as outlined in the Controller's office manual which is referenced above.
- B. Petty cash may be used for local market purchases of supplies and materials. Such as: minor miscellaneous materials; supplies; minor repairs and replacement parts for machinery and equipment as long as purchases are made in accordance with state purchasing guidelines.
- C. Petty cash and change accounts are not used for cashing personal and/or payroll checks.
- D. All disbursements from petty cash accounts must be documented and must be supported by receipts or vouchers with the original signature of the payee. Supporting documents must include date; name of payee; purpose of disbursement; amount paid; authorized signature and proper account distribution.
- E. Petty cash is to be reconciled each month. Each reconciliation must be documented and reviewed by appropriate finance personnel within the agency.
- F. Petty cash is to be kept in a locked box or safe and not to be left out in the open. At the end of business hours, the locked box or safe is to be stored in a secure location.

**IMPROPER TRANSACTIONS – NOTIFICATION REQUIREMENTS**

Per Title 5 MRSA 244-A, the head of any department, bureau or division who has any evidence of any improper or illegal transactions within that department, bureau or division shall immediately report the transactions to the State Auditor.

## Maine Department of Inland Fisheries & Wildlife

### C1.6

#### COST SHARING (MATCH) POLICY

##### **PURPOSE**

The Code of Federal Regulations, [Part 200 \(2CFR 200\)](#) establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities.

As a non-federal grant recipient, Maine Department of Inland Fisheries and Wildlife (MDIFW) may apply any shared costs or matching funds and contributions, including cash and third-party contributions, as it's cost share or match requirement under federal grant awards when such contributions meet the criteria set under [2 CFR 200.306\(b\)](#) . Cost share or match is the portion of the project's cost which is not paid by federal funds. MDIFW often refers to cost sharing and match as “match”.

This policy establishes procedures for MDIFW staff to recognize the commitment of match, and to define appropriate actions to ensure match is approved in the award, eligible, correctly identified, valued appropriately, and documented properly consistent with 2 CFR 200.

##### **APPLICABILITY**

This policy applies to all MDIFW staff who commit, accept and/or apply match, and in-kind contributions as part of project costs under federal awards.

##### **RESPONSIBILITY**

When a project is funded with Federal funds, it will be the responsibility of the MDIFW Project Leader, Division Director, or their designees, with consultation of the Federal Aid Coordinator and Natural Resources Service Center (NRSC), to ensure match and in-kind contributions are approved in the award, eligible; properly identified, valued, and documented as outlined under this policy, as well as ensuring match commitments are met.



## DEFINITIONS

Definitions in [2 CFR 200.1](#) apply to this policy, including the following:

Cost sharing or matching: portion of project costs not paid by Federal funds or contributions (unless otherwise authorized by Federal statute).

Project cost: total allowable costs incurred under a federal award and all required cost sharing and voluntary committed cost sharing, including third-party contributions.

Voluntary committed cost sharing: cost sharing specifically pledged on a voluntary basis in the proposal's budget on the part of the non-Federal entity and that becomes a binding requirement of Federal award.

Third-party in-kind contributions: value of non-cash contributions (*i.e.*, property or services) that (1) Benefit a federally assisted project or program; and (2) Are contributed by non-Federal third parties, without charge, to a non-Federal entity under a federal award.

## POLICY AND PROCEDURES

When a project is funded with federal funds, and match funds have been identified as part of total project costs, MDIFW staff will use this policy to ensure compliance with 2 CFR 200.

Cost sharing or matching funds have the same restrictions as federal funds; therefore, these funds follow the same allowable and unallowable guidelines under the federal award. The expense must be allowable for federal funds to be allowable as match.

2 CFR 200.306(b) states “For all Federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing, or matching when such contributions meet all of the following criteria:

- (1) Are verifiable from the non-Federal entity's records;
- (2) Are not included as contributions for any other Federal award;
- (3) Are necessary and reasonable for accomplishment of project or program objectives;
- (4) Are allowable under subpart E of this part;
- (5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
- (6) Are provided for in the approved budget when required by the Federal awarding agency; and
- (7) Conform to other provisions of this part, as applicable. “

MDIFW staff, along with NRSC staff will properly document cash match in its accounting system; ensure it is not used for any other federal award, verify it is allowable, reasonable, and necessary for the accomplishment of the project objectives and that it conforms to other provisions of 2 CFR 200.

MDIFW staff will follow the guidance under “Match Identification, Valuation and Documentation” section below to complete the following steps to ensure match meets the criteria listed in 2 CFR 200.306(b) as identified above:

- Properly identify match type.
- Document intended use of in-kind match in grant Project Statement and/or Budget Narrative. Specifically identify the type of in-kind match, why it is necessary and reasonable to the project, along with an estimated amount of in-kind match to be generated and the method of valuation.
- Properly value in-kind services and donations.
- Ensure application of in-kind match has been approved by the awarding federal agency before it is applied as cost share to the federal award.
- Verify in-kind match is not coming from a federal funding source or previously used on another federal grant to meet cost sharing requirements.
- Collect proper documentation of match (timesheets, invoices, etc.).
- Verify in-kind match occurred during the period of performance. Land acquisition could be an exception; staff will check with Federal Aid Coordinator.

## **MATCH IDENTIFICATION, VALUATION AND DOCUMENTATION**

### IDENTIFICATION OF MATCH

MDIFW staff will use the definitions below to correctly identify the type of match:

- Cash match includes cash spent for project-related costs. The allowable cash match must include costs that are necessary, reasonable, and allowable under the federal program. Cash match can include cash donations, non-federal income from products or services, state/local government grants or appropriations, foundation grants, corporation contributions.
  - Cash match contribution can only be applied to your match requirement once its expended on a cost or activity identified in the grant award.
- Third-party in-kind contributions includes but is not limited to the valuation of non-cash contributions provided by a third-party (an entity without financial interest/involvement in the award). In-kind match may be in the form of services, supplies, real property, and equipment. The value of the in-kind match may be used for the cost sharing and matching requirements if the in-kind contributions are necessary and reasonable and allowable under the federal program.

- If the individual or entity providing the service, supplies, real property, or equipment is receiving grant funds, then the match is not considered in-kind – it is considered simply match.
- Note: Recipients/subrecipients cannot be reimbursed for third party in-kind contributions; they can only use these contributions to meet the cost sharing or matching requirements under the federal award

## VALUATION OF MATCH

MDIFW staff will use [2 CFR 200.306](#) and the following guidelines to value third party in-kind match:

- Donated property from third parties (such as office supplies, field supplies, equipment, laboratory supplies) will be assessed a value not to exceed fair market value at the time of donation (2 CFR 200.306(g). MDIFW staff will determine fair market value at the time of donation by using the State Controller's Office definition of fair market value ([SAMM Section 30.70.10](#)) as the amount that could reasonably be expected to be received for an asset/investment in a current sale between a willing buyer and a willing seller the price that item would sell for on the open market.
- Third-party donated land and buildings for which title will not pass to MDIFW will be determined using the State's accounting policies, but with the following qualifications: value of donated land and buildings must not exceed fair market value at the time of donation as appraised by a licensed real property appraiser in accordance with Uniform Appraisal Standards for Federal land acquisitions; and reviewed by a qualified review appraiser ([2 CFR 1402.329\(b\)](#)); unless a waiver valuation applies in accordance with [49 CFR 24.102\(c\)\(2\)](#).
- Third-party donated equipment and rental space will be valued at the fair market value. MDIFW will value equipment in comparison to equipment of the same age and condition at the time of donation using the State Controller's Office definition of fair market value. Rental space will be valued at the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
- Third-party donated equipment, buildings and land for which title will pass to MDIFW will be valued depending on the purpose of the federal award if one of the following applies: the purpose of the federal award is to assist MDIFW in the acquisition of equipment, buildings or land then MDIFW will apply the aggregate value of the donated property as match; if the purpose of the Federal award is to support activities that require the use of equipment, buildings or land normally only depreciation charges for equipment and buildings may be made. However, fair market value of equipment or other capital assets and fair rental charges for land may be used if the Federal awarding agency approves. MDIFW staff will work with Federal Aid Coordinator in this instance.
- Value of loaned equipment from third parties will not exceed its fair market rental value at the time of loan (2 CFR 200.306(i)(4)). MDIFW will determine fair market value at the

time of loan by using MDOT's Labor Reimbursement and Private Equipment Rates found on their website: <https://www.maine.gov/mdot/csd/laborrates>

- When a third-party organization provides the services of an employee, and the services are like the type of work the employee normally performs, the rate will be the employee's regular rate of pay plus an amount of fringe benefits that are reasonable, necessary, allocable, and otherwise allowable (2 CFR 200.306(f). If the work is not like what the employee is normally paid for, the rate will be what MDIFW would pay its own employees to conduct the work. If MDIFW does not have staff that conducts that type of work, then the rate will be consistent with those paid for similar work in the labor market as defined by the U.S. Bureau of Labor Statistics, found here: [https://www.bls.gov/oes/current/oes\\_me.htm](https://www.bls.gov/oes/current/oes_me.htm). In either case, paid fringe benefits will be included if they are reasonable, necessary, allocable, and otherwise allowable.
- When volunteer services are provided by professional and technical personnel, consultants and other skilled and unskilled labor, the rate for third-party volunteer services will be consistent with those paid for similar work in State service within MDIFW. If MDIFW does not pay State employees for similar services, then the rate will be consistent with those paid in the labor market as defined by the U.S. Bureau of Labor Statistics, found here: [https://www.bls.gov/oes/current/oes\\_me.htm](https://www.bls.gov/oes/current/oes_me.htm). In either case, paid fringe benefits will be included if they are reasonable, necessary, allocable, and otherwise allowable.
  - Division Directors or their designees, with consultation of the Federal Aid Coordinator will identify those positions consistent with work to be performed by volunteers to the Financial Analyst on an annual basis in conjunction with the federal fiscal year.
  - The Financial Analyst will use this list of positions and create an annual spreadsheet to allocate a reasonable rate of pay for each position by using Step 1 of the State Salary Schedule, adding the cost of the lowest available benefit package.
  - MDIFW staff will use the annual spreadsheet created by the Financial Analyst to apply an appropriate rate to volunteer services as approved by the Division Director, or their designee. A copy of the most current spreadsheet will be provided with any grant applications where volunteer services are requested.
  - The volunteer rates will change periodically when the State's salary schedules are adjusted. MDIFW will include language in grant Project Statements and/or Budget Narratives to reflect the current calculated rate, as well as a request permission to use revised rates as the state's salary schedules change and Financially Analyst updates the spreadsheet.

MDIFW staff will use the following guidelines to value Recipient or Subrecipient Match:

- For volunteer services, not connected to a third-party, MDIFW staff will use rates for volunteers as prepared on an annual basis by the Financial Analyst (see above).

- Values for contributions of services and property by MDIFW will be established in accordance with the cost principles in [200 CFR Subpart E - Cost Principles](#). IF MDIFW is authorized by a federal awarding agency to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for match purposes must be the lesser of:
  - 1) the value of the remaining life of the property recorded in MDIFW's accounting records at the time of donation, or
  - 2) the current fair market value. However, in some cases the federal awarding agency may approve the use of the current fair market value of the donated property even if it exceeds the remaining life value. MDIFW staff will work with the Federal award agency, the Departments Federal Aid Coordinator and NRSC staff to determine best valuation.
- Unrecovered indirect costs, including indirect costs on cost sharing or matching, may be included as part of the cost sharing only with prior approval of the Federal agency. Unrecovered indirect costs are the difference between the amount charged to the Federal award and the amount which could have been charged to the Federal award under the non-Federal entities negotiated indirect cost rate agreement (2 CFR 200.306(c)).
- Recipients and subrecipients may use their own equipment and charge an equipment use rate to the Federal award. Depreciation is the method for allocating the cost of fixed assets to periods benefitting from the assets use ([2 CFR 200.436](#) ). Non-Federal entities may be compensated for the use of its buildings, capital improvements, equipment, and software project capitalized in accordance with GAAP, provided they are used, needed in the non-Federal entity's activities, and properly allocated to Federal awards. Staff will ensure costs are not already included in indirect cost rate agreement.

## DOCUMENTATION OF MATCH

- MDIFW staff will ensure match documentation indicates the source, what was donated, donation date(s), how value was determined and who verified the information.
- MDIFW staff will provide the Federal Aid Coordinator, and its designees, as well as applicable staff at Natural Resources Service Center, with documentation of the determination, valuation, and other related documentation for retainage in the appropriate Federal grant file.
- MDIFW staff will ensure volunteers use "MDIFW Volunteer Match System" to record services; then MDIFW will review/approve/deny accuracy of those services on a bi-weekly schedule. Project Leaders, Division Directors, and their designees with consultation of the Federal Aid Coordinator will ensure accurate information about the Project, Federal grant and approved volunteer hourly rates are contained in the database to comply with 2 CFR 200.
  - Time and attendance records for volunteers will be like those maintained by the State. These records will include at a minimum: project name, volunteer name, actual number hours worked (recorded daily with start and end time); number of

miles traveled each day (if applicable); volunteer signature/certification and project leader name and signature/certification.

- Project leaders will verify and export documentation from the MDIFW Volunteer Match System and provide it, along with appropriate documentation, to MDIFW administrative staff to verify and enter in the Department's Match DB. Once the match has been verified, it will be forwarded to NRSC for use as match under a federal award.
- Overmatch will be documented in performance and financial reports; supporting documentation as to reason for overmatch will be retained in the Federal grant files at NRSC and MDIFW. If overmatch is known prior to the federal award end date, the award can be revised to obtain approval of costs.
- Federal grant files will be kept for the period identified in MDIFW's Archive retention schedule or until the Federal grant has been audited, whichever is greatest.

**For more information:**

OMB Uniform Guidance - [2 CFR 200.306](#) - - Cost Sharing or matching

OMB Uniform Guidance - [2 CFR 200 Subpart-E](#) – Cost Principles

OMB Uniform Guidance – [2 CFR 200.404](#) – Reasonable Costs

OMB Uniform Guidance - [2 CFR 200.474](#) – Transportation Costs

OMB Uniform Guidance - [2 CFR 200.403](#) – Factors affecting allowability of costs

[Financial Assistance Interior Regulation, Supplementing OMB Uniform Guidance - 2 CFR 1402.329 - Land Acquisition](#)

This policy was accepted and approved on: \_\_\_\_\_

\_\_\_\_\_  
Judith A. Camuso, Commissioner

\_\_\_\_\_  
James M. Connolly, Director Bureau of Resource Management

## C2.1

### **ADMINISTRATIVE POLICY REGARDING ACCEPTANCE OF GIFTS**

It is against State of Maine policy for an employee to accept gifts from any person or business that conducts business, or expects to conduct business, with the State of Maine.

Further, it is unlawful (Title 17-A M.R.S.A. Sections 602, 604, 605, and 606) for persons or businesses to give gifts to State employees and for State employees to accept gifts that are intended to improperly influence the State employees in the exercise of their duties.

For the purpose of administrative guidance, gifts do not include advertising items of nominal value such as calendars, pens, or pencils. However, goods and services which involve a pecuniary benefit should be considered as gifts.

## C2.2

### **ADMINISTRATIVE POLICY REGARDING REFUNDS ON LICENSING AND REGISTRATION SALES**

The purpose of this policy is to clarify when the Department of Inland Fisheries & Wildlife will and will not issue a refund in regard to licenses, permits and registrations.

All refunds requested must be made in writing to the Department of Inland Fisheries & Wildlife within 30 days of purchase.

Refunds will be issued for the following reasons:

A person has purchased two or more licenses, permits, or registrations for the same activity or vehicle.

A person has purchased an authority then becomes seriously ill or dies before using the authority.

A person has purchased the incorrect license or permit, or has registered the wrong vehicle.

A person has overpaid for a given license, permit or registration.

A person has purchased a license, permit or registration when they were not legally required to purchase that license, permit or registration.

A person has purchased an authority and then is deployed by a branch of the United States armed services before using the item.

Refunds will not be issued for the following reasons:

A person purchases a license, permit or registration and then has their privilege to use the authority revoked.

A person purchases a license, permit or registration when their privilege to use the authority was already under revocation.

A person purchases a license, permit or registration and participated in that activity before requesting their refund.

This agency will not process any refunds under \$10.00.

Any other case not described above may be reviewed by management at the department to determine eligibility of the requested refund. All decisions by the Department of Inland Fisheries & Wildlife are final.



## **POLICY TO ADMINISTER AND AWARD FUNDS FROM THE AUCTION OF MOOSE HUNTING PERMITS TO FUND YOUTH CONSERVATION CAMP EDUCATION PROGRAMS**

### **I. POLICY AND PURPOSE**

#### **A. Statement of Policy:**

The Commissioner may issue not more than 10 moose hunting permits through public auction to the highest bidders as provided in 12 M.R.S. §11154 (11). Pursuant to 12 M.R.S. §10206 (8), all revenues derived from the sale of moose hunting permits through the auction must be deposited into a special non-lapsing account by the Department of Inland Fisheries and Wildlife (“Department”) and be used to pay the costs of administering the process of issuing permits and to fund youth conservation education programs. Those monies are deposited into a dedicated youth conservation education account (“fund”) administered by the Department. The Commissioner recognizes the need to have guidelines for staff when administering this fund and program.

#### **B. Purpose:**

This policy establishes guidelines for Department staff to administer the application process, award funds in a consistent manner and ensure that the youth conservation education camps which benefit from the fund are operated in a manner that meets the standards set forth in this policy.

#### **C. Scope:**

This policy applies to any summer camp, day camp, residential camp or any other conservation education organization seeking funding from the fund. Applicants must have the ability and documented experience to provide the Department approved curriculum detailed below.

### **II. BACKGROUND:**

Since the adoption of 12 M.R.S. §11154 (11) in 1993, funds raised from the sale of moose hunting permits have been allocated in the form of scholarships awarded to Maine resident boys and girls, ages 8-17, to attend 1 week (Sunday evening to Friday morning) of residential conservation camp.

Initially, eligible residential summer camps were selected through a “Request for Proposal” or “RFP” process. However, more recently, 2 or 3 approved summer residential camps have been awarded sole source contracts, based on their prior history as camp providers, experience and ability to meet all aspects of the Department required curriculum.

### **III. GUIDELINES & PROCEDURES:**

- A. Full scholarship (defined as a maximum distribution of \$400.00 per camper for one week of basic conservation camp) funding will be provided for Basic Conservation Camp. Any summer camp, nonprofit, for profit or other conservation education organization seeking funding must demonstrate the ability and documented experience to provide the following Basic Conservation Camp curriculum through either a residential or day camp experience for Maine resident boys and girls ages 8-17. The full scholarship amount will be reviewed annually by the Department.

## C2.3

1. The full slate of 12 required Basic Conservation Camp topics must be organized into a Department approved block schedule that fits into the Sunday evening through Friday morning residential or Monday through Friday day camp schedule. The Department must review and approve curriculum developed by the camps covering all required topics.
  2. The Basic Conservation Camp Schedule will include instruction in the following topics:
    - a. Hunter/range safety / 22 cal. rifle shooting/bow hunting in compliance with hunter safety education standards and certification;
    - b. Map and compass/orienteering
    - c. Outdoor survival
    - d. Archery
    - e. Forest ecology and tree identification
    - f. Fishing instruction and fish biology
    - g. Wildlife management, endangered species, and wildlife identification
    - h. Habitat differentiation and investigations
    - i. Sportsman's ethics/landowner relations
    - j. Introduction to trapping
    - k. Hiking
    - l. Low impact outdoor recreation principles (Leave No Trace)
  3. Other natural science, wildlife, fisheries, recreational safety and/or conservation topics, activities and games should be included in the proposed Basic Conservation Camp block schedule if all topics listed above have been covered and there is additional time during the week.
- B. Partial scholarship (defined as a maximum distribution of \$300.00 per camper for one week other than basic conservation camp) funding for boating safety certification (including canoe and/or kayak safety); and/or ATV safety certification and/or snowmobile safety certification may be provided if offered during camp weeks other than Basic Conservation Camp. The partial scholarship amount will be reviewed annually by the Department.
1. These other camp weeks shall provide a block schedule, reviewed and approved by MDIFW, which also includes instruction in the following topics:
    - a. Outdoor survival
    - b. Fishing instruction and fish biology
    - c. Wildlife management, endangered species, and wildlife identification
    - d. Sportsman's ethics/landowner relations
- C. The full cost per camper for a week of residential or day camp must be specified in the applicant's request for funding.
- D. Other required information, documentation and services that must be provided in conjunction with the topics, curriculum and schedule include the following:
1. Proof of a current license and documentation of compliance with all rules relating to Youth Camps, Primitive and Trip Camping (10-144 CMR 208) as administered by the Department of Health and Human Services
  2. A copy of the previous and current year's operating budgets

C2.3

- 3. A list of camp staff positions and when possible, resumes of staff filling those positions and for how long, including but not limited to summer camp director, program manager, counselors, cooks, nurses, and maintenance staff
- 4. A list of camp equipment necessary and available for implementing the Department topics and curriculum with seasonal and annual maintenance plans
- 5. Program administration tasks including but not limited to:
  - i. year-round response to requests for information/ inquiries
  - ii. creation and updating of brochure/registration printing and mailings
  - iii. camp marketing and promotion to a statewide audience
  - iv. maintenance of an electronic database of current campers and other interested parties
  - v. processing of all camper registrations, maintenance of medical forms, camper confirmations, cancellations and last minute replacements
  - vi. organization of weekly room/space assignments for campers with desired 50/50 boy/girl ratios
  - vii. maintenance of a year-round web site
  - viii. a current annual medical emergency plan
- 6. Any or all organizations selected to deliver Department youth conservation education programming shall be subject to several random, unannounced site and program monitoring visits for the duration of camp weeks from Department staff or its approved agent(s), documenting and ensuring satisfactory and consistent delivery of Department programming throughout the summer camp season. Any observations made will be shared with camp’s staff as they are reported after each visit.

E. Distribution of Funds:

- 1. Funds will be distributed annually. The Department’s conservation education program administrator, the recreational safety and vehicle coordinator, the Information and Education Director and one person from Resource Management and one person from Warden Service shall decide how the funds will be distributed based on available funds, and the following criteria:
  - a. The total number of existing or newly qualified applicants
  - b. Applicant’s ability to serve underprivileged or disadvantaged children
  - c. A balanced geographic distribution of camps statewide
  - d. No more than 80% of the total funds shall be utilized in each calendar year; the remaining funds may be used for other administrative program needs for that year and to maintain consistent funding for subsequent years.

F. The Commissioner will have final approval on funding to all camps.

G. Summary: In the event any summer camp, nonprofit, for profit or other conservation education seeks information about the Youth Conservation Education Fund, the application and award process in this policy shall be utilized to provide guidance and information.

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- C1.5 Improper Transactions – Notification Requirements
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#### CHAPTER 2. HANDLING MONEY FROM THE PUBLIC

- C2.1 Acceptance of Gifts
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- C2.3 Moose permit auction youth conservation funding

## ADMINISTRATIVE POLICY REGARDING PROCUREMENT CARDS

The State of Maine Procurement Card (P-Card) and Travel P-Card Program is managed by the Department of Administrative and Financial Services (DAFS), Bureau of General Services (BGS), Division of Purchases (DOP). This policy only refers to the State's P-Card and Travel P-Card program, currently provided through the vendor, US Bank. The program provides a simple and easy-to-use payment method that increases efficiency and reduces costs to State Government.

Some Department employees have been entrusted with the ability to make procurement card purchases. Though the procurement card eliminates many time-consuming processes for these purchases, **it is not intended to avoid or bypass appropriate State statutes, rules, policies or guidelines.** Cardholders are expected to make sound business decisions in the best interest of the Department and the State and **always comply with State policies and procedures.**

This policy is subject to change at any time by the Division of Purchases. Failing to abide by the Division of Purchases policy is considered a violation of the State of Maine's purchasing authority. To find the most up-to-date policy manual from the Division of Purchases, please go to <http://www.maine.gov/purchases/procurement/index.shtml>.

The Department of Inland Fisheries & Wildlife policy regarding the use of procurement cards will follow the Division of Purchases policy. This following information is from that policy. This is only an overview and any cardholder should be familiar with the full policy available at the above referenced website.

### HOW DOES THE P-CARD WORK?

The P-Card is a commercial MasterCard credit card. It works similarly to a personal credit card except the charges are billed directly to the State with the initial payment made by DAFS, then billed back every Billing Cycle to the appropriate Departments through the AdvantageME process.

### TRAVEL P-CARDS

Travel cards work the same way as the P-card but are for making travel related purchases only. These cards are not allowed to leave the office with an employee/traveler.

### REQUESTING A CARD

If your supervisor has determined that your position would benefit from having a P-card, the request is to be submitted to the appropriate department procurement card coordinator. Once the required forms are completed they are then sent to the P-card manager at the Division of Purchases. The card holder is also required to complete a series of web-based training. Details on how, and which, courses to take are found on the Division of Purchases website under the "Procurement Cards" page.

After the application has been processed and approved, the individual will be assigned a user ID and password and will be sent an e-mail notification with the details for receipt and activation of the P-card.

The same process is used for a P-card approver including the web based training.

## P-CARD USES

Except in rare and unusual circumstances, there is a maximum single transaction limit of \$5,000 and a maximum billing cycle transaction limit of \$25,000.

Cardholders **cannot** use their P-card for the purchase of certain established items; see the “Procurement & Travel Card Quick Reference Guidelines **(this is to replace the non-allowable list)** list of the “Procurement Cards” page at the Division of Purchases website. Any exceptions to the Quick Reference Guidelines list will be authorized in writing by the approver and the Division of Purchases buyer and must be part of the transaction documentation which is turned in to the NRSC.

The P-card must **never** be used to purchase items for personal use or for non-State purposes, even if the card holder intends to reimburse the State.

Transactions for a single purchase **cannot be stacked or split** into separate transactions to avoid exceeding a cardholder’s limits. Transactions **cannot be split** into separate transactions among two or more card holders. Transactions **cannot be split** into two or more different payment types (P-card, invoice, petty cash, etc.).

A cardholder who makes an unauthorized purchase with a P-card or uses the P-card in an inappropriate manner, may be subject to the loss of the P-card, or disciplinary action up to and including termination, possible criminal prosecution, and restitution.

Documentation **is required** for all purchases, i.e. sales slip; cash register receipt; repair order. When the receipt is missing, please use the alternative documentation form. Every effort should be made to retain the original receipt.

Lost, stolen or damaged cards are to be immediately reported lost or stolen to the 1-800 number on the back of your P-card. The cardholder must immediately notify their supervisor/approver and coordinator as soon as possible. If your card becomes damaged, notify your supervisor/approver and arrangements will be made to replace the card by contacting US Bank with the 1-800 number on the back of your P-Card.

All transactions must be approved by the appropriate approver.

For further, more detailed instructions, information, rules, and guidelines, please go to the Division of Purchases website and locate the Procurement Cards section which can be found at: <http://www.maine.gov/purchases/procurement/index.shtml>.

**NOTE: The DAFS Division of Purchases may make exceptions to their Policies & Procedures Manual as deemed necessary and allowed by State Statutes, rules, policies or guidelines.**

## ADMINISTRATIVE POLICY REGARDING PURCHASING

The Maine Department of Inland Fisheries & Wildlife will follow the guidelines provided by the Division of Purchases regarding purchasing and contracting. Please find their basic guidelines below.

### **DAFS/BGS Division of Purchases** **Basic Contracting and Commodity Procurement Guidelines**

#### **Types of Service Agreements**

##### **1. Contract:**

A contract is a written agreement between a provider and the State of Maine describing the services to be performed, the terms and conditions agreed to by the parties, the cost of the services and how payment will be made. The principal purpose of a contract is to purchase, lease, or barter property or services for the direct benefit of the government. A contract is generally awarded to a provider if the provider is the winner in a competitive bidding process (RFP). However, a contract may be awarded if there is a valid sole source justification. The contract document will be an Agreement to Purchase Services (BP-54), which is a legally binding written agreement between the provider and the Department.

##### **2. Grant:**

A grant is written agreement between a provider and the State of Maine describing the terms, conditions, and scope of performance or action that is expected of the provider. The principle purpose of a grant is the transfer of money, property, services or anything of value to the recipient in order to accomplish a public purpose of support with no substantial involvement between the State and the recipients during the performance of the activity. For example, an agreement under which a provider provides services directly to clients with no substantial involvement of the State would be a grant. A grant is generally awarded to a provider if the provider is the winner in a competitive bidding process (RFP). However, a grant may be awarded if there is a valid sole source justification. The grant document will be an Agreement to Purchase Services (BP-54), which is a legally binding written agreement between the provider and the Department.

##### **3. Cooperative Agreement:**

A Cooperative Agreement is an agreement between the State of Maine and the University of Maine System to jointly participate in a cooperative project under the terms of the General Policy Agreement for State/University Cooperative Agreements of September, 1989. A cooperative project is defined as “any activity of interest to the State of Maine where joint participation between the State and the University will improve the capacity of the State of Maine to provide services to the people of the State, and will enhance the ability of the University to further its teaching, research and public service missions”. Any cooperative agreement must be approved by the Governor’s Office

prior to the execution of any agreement. Examples of projects that would meet these criteria include those that:

- A. provides training of students who may be candidates for employment to meet needs of the public and private sectors in Maine;
- B. support research and development projects that generate needed information or enhance the expertise of University faculty and research staff in areas needed by the State;
- C. provides public service that leads to the dissemination of University expertise to various constituencies in the State and/or that addresses critical State needs.

### **Service Contract Guidelines**

#### **1. Contracts: (When you need to purchase a service)**

- Up to \$5,000
  - BP18 Required
- \$5,001 to \$10,000
  - Contact the Division of Purchases and explain what you need. They will help you figure out how to proceed. BP54 and BP37SS or BP37CA required.
- Over \$10,000
  - Subject to Request for Proposal (RFP)

#### **2. Temporary Staffing Services Contracts**

When requesting a temporary staffing service contract, a BP37TEMP form should be completed and provided to the Division of Purchases along with the BP18 or BP54 Contract form that is applicable. For all temporary staffing service contracts the following dollar thresholds apply to the procurement process:

- Up to \$10,000 – emailed quotes from three temporary staffing service vendors (contact Division of Purchases for a list of these vendors)
- \$10,001 to \$25,000 – email the job description(s) to all temporary staffing service vendors on the aforementioned list
- Over \$25,000 – Request for Proposals process required

### **Commodity Purchase Guidelines**

A commodity is a good whose wide availability typically leads to smaller profit margins and diminishes the importance of factors other than price.

Before making a commodity purchase you need to ask these questions:

- Can the item be purchased from Central Warehouse? If yes, an AdvantageME Delivery Order (DO) is required.



- Is there a Master Agreement for this commodity on the Division of Purchases' website <http://www.maine.gov/purchases/contracts/pals.html>? If yes, a procurement card (p-card) transaction **OR** a DO is required.
- Is this a request for a printing job using an outside vendor (not Central Print)? Must process a Requisition (RQS) on AdvantageME (see process below). All print jobs must be handled by the Buyer that handles printing for the Division of Purchases.  
([Debbie.Jacques@maine.gov](mailto:Debbie.Jacques@maine.gov))

**Items Under \$5,000:** For items under \$5,000 (not printing or on Master Agreement) you can purchase using your p-card or do a simple Purchase Order (PO) in AdvantageME. If you are ordering multiple related items or quantities of similar items that have a unit price that is under \$5,000, but the total expense is over \$5,000, then the Division of Purchases will procure the items for you. Please follow the RQS process below or contact the Division buyer. The following website address will help you identify the appropriate Buyer to contact:  
<http://www.maine.gov/purchases/commodities.shtml>

**RQS Process:** In order for the Division of Purchases to procure an item for you, we will need the detailed specifications of the requested item(s) attached to an RQS in AdvantageME. Please contact the Division if you need assistance creating an RQS. You will need to have the funding available and account coding ready in order to create an RQS. If you want an item made by a specific manufacturer, you will need to fill out a BP37SS form explaining why this is the only source of this item that is acceptable, and attach the form to the RQS.

**DO Process:** A DO is an AdvantageME procurement document for any item that is covered by a Master Agreement (MA) and is for any dollar amount. Any DO under \$5,000 requires only one level of approval, and over \$5,000 requires three levels of approval the last being a Purchases buyer. The DO account line(s) must use an encumbering (PR05) "event type". The Purchases buyer will be responsible for e-mailing the order(s) to the vendor. The ordering agency will be responsible for e-mailing the vendor the order if it is under \$5,000.

**Executive Order 07 FY10/11, "An Order Establishing the State Procurement Review Committee"**

This Executive Order requires that all contracts greater than \$3 million must be reviewed by the Attorney General's Office before going to provider for signature. Additionally, all contracts greater than \$1 million must be reviewed by the State Procurement Review Committee, which is made up of the Director of the Division of Purchases, the State Budget Officer, the State Controller, the Governor's Office, and – if the contract is IT related – the Chief Information Officer.

**Procurement Card Usage**

The State of Maine p-card program is mentioned above in several places. As a general overview, the p-card program has been established to create an efficient, time-saving method of payment for agencies and vendors alike. The p-card may be used for commodity purchases that are less than \$5,000 in total value (see Items Under \$5,000 above), or certain services under \$1,000 (please see

“Low Value Service Guidelines” on our website, found at:  
[http://www.maine.gov/purchases/procurement/documents/Low\\_Value\\_Services\\_Guidelines.xls](http://www.maine.gov/purchases/procurement/documents/Low_Value_Services_Guidelines.xls)).  
In order to acquire a p-card, an applicant must review the State p-card policy, sign an agreement, complete a one-page application form, and complete a training program. The aforementioned documents and all other details regarding the p-card program can be found on the Division of Purchases’ website at the following address:  
<http://www.maine.gov/purchases/procurement/index.shtml>

### **Purchases (Capital and Non-Capital)**

Agency heads are to develop internal processes to evaluate open market (under \$5,000.00) purchases. Authorized staff should scrutinize purchases carefully to order just those supplies and items needed to maintain operations. Existing procurement card systems and blanket contracts remain in effect, but should be used with discretion.

Large-scale procurements (exceeding \$5,000.00 per transaction) will continue to be processed through the requisition process. An emergency is defined as immediate need to protect the health or safety of the public. Consideration will be given to essential items which must be purchased to maintain basic operations in a cost effective manner.

Confirmation requisitions must be pre-approved by division staff before accepting any items. Confirmation will be limited to items meeting the emergency definition above.

The normal documentation and competitive processes for contracts, grants, and purchases remain unchanged. Each request, regardless of fund source, must include a completed Executive Order Compliance Form, which includes:

1. A statement and supporting information to demonstrate the emergency or essential nature of the contract, grant, or purchases and the expected impact if delayed, postponed or rejected.
2. A detailed description of the fund sources and any required match (whether immediate or by future journal or other transaction).
3. Effort made to reduce the contract or requisition amount (ie: by work reduction, rate concessions, delay of purchase, etc.).
4. Contact person for additional information.
5. Signature of Commissioner or agency head, authorizing the contract, grant, or purchase to move forward.

## ADMINISTRATIVE POLICY REGARDING EXPENSE REIMBURSEMENT

### POLICY

Expenses associated with travel for authorized business purposes will be reimbursed in accordance with state laws and financial rules. Any expenses are subject to approval of the supervisor. Out of State travel is not authorized unless pre-approved by the supervisor.

The policy for Travel Advances and Expense Reimbursement is as follows:

1. Cash advances are available by submitting a Request for Out-of-state Travel and/or Travel Advance Form (BP-14), with proper signatures, to Accounting. The completed form needs to be submitted to Accounting ten (10) working days prior to the scheduled departure to allow time for processing and mailing.
2. Travel advances must be settled within fifteen (15) working days of the return date, by the submission of a completed Travel and Expense Account Voucher (Form BP-22). The Travel and Expense Voucher should be submitted to Accounting within thirty (30) working days of the return date. The State reserves the right to settle overdue cash advances by payroll deduction.
3. No travel advances will be authorized if any previous advances have not been settled, as required by subsection 2, above.

When filling out the Request for Out-of-state Travel and/or Travel Advance form, the following information shall be included:

- All information regarding travel including destination, date of departure and time, date of return and time, and purpose of travel
- Agenda
- Estimated costs and total amount of the advance
- Justification for travel
- Required signatures

When filling out the Travel and Expense Voucher, the following information shall be included:

- All information regarding travel including, destination, date of departure and time; date of return and time, and purpose of travel
- Fill out a separate Travel and Expense Voucher for each travel advance issued
- Mileage for a personal vehicle is \$.44 per mile
- Receipts for:
  - lodging and registration fees
  - airline, train or bus tickets
  - local transportation charges over \$5.00
  - automobile rentals
  - toll and parking charges over \$5.00
  - miscellaneous purchases required for the official business purpose of travel

- ❑ Agenda, if expenses were incurred due to attendance of a meeting or conference
- ❑ No expenses will be allowed that are not included on a travel advance except for emergency purchases - this includes car rentals
- ❑ Tips given for housekeeping, taxi and meals, etc. are included in the per diem for meals. No other reimbursement for tips will be allowed

**If you are requesting reimbursement for meals for extended work hours or per diem reimbursement for over-night travel, you must include your departure and arrival times.**

A Travel and Expense Voucher for expenses other than out-of-state travel or travel advances should be done on a monthly basis. **By federal law, any Travel and Expense Voucher needs to be submitted within 60 days after it was incurred. If a Travel and Expense Voucher is not submitted within 60 days of the date returned or single date of travel, then it may not be reimbursed.**

You can find all travel forms, per diem rates for lodging and meals, and the entire Travel and Expense Policy on Accounts and Control's website <http://www.maine.gov/osc/>.

## C1.4

### PETTY CASH

The purpose of this policy is to establish guidelines in accordance with the Office of the State Controller's State Administrative & Accounting Manual, <http://www.maine.gov/osc/pdf/admin/saam/85.10.pdf>, for the department headquarters and other facilities use of a petty cash fund.

The Department of Inland Fisheries & Wildlife maintains two types of cash accounts:

**Change Accounts** – Used solely for making change in across-the counter cash transactions. This type is used at the Augusta headquarters for the front counter and the information center.

**Petty Cash** – Used to make payments when issuing a check is not practical or timely. These are used at the department headquarters, hatcheries, warden service and the Maine Wildlife Park.

- A. Petty cash accounts will not be established for less than \$50. Petty cash accounts in excess of \$100 must be maintained in a checking account and follow all procedures as outlined in the Controller's office manual which is referenced above.
- B. Petty cash may be used for local market purchases of supplies and materials. Such as: minor miscellaneous materials; supplies; minor repairs and replacement parts for machinery and equipment as long as purchases are made in accordance with state purchasing guidelines.
- C. Petty cash and change accounts are not used for cashing personal and/or payroll checks.
- D. All disbursements from petty cash accounts must be documented and must be supported by receipts or vouchers with the original signature of the payee. Supporting documents must include date; name of payee; purpose of disbursement; amount paid; authorized signature and proper account distribution.
- E. Petty cash is to be reconciled each month. Each reconciliation must be documented and reviewed by appropriate finance personnel within the agency.
- F. Petty cash is to be kept in a locked box or safe and not to be left out in the open. At the end of business hours, the locked box or safe is to be stored in a secure location.

**IMPROPER TRANSACTIONS – NOTIFICATION REQUIREMENTS**

Per Title 5 MRSA 244-A, the head of any department, bureau or division who has any evidence of any improper or illegal transactions within that department, bureau or division shall immediately report the transactions to the State Auditor.

## Maine Department of Inland Fisheries & Wildlife

### C1.6

#### COST SHARING (MATCH) POLICY

##### **PURPOSE**

The Code of Federal Regulations, [Part 200 \(2CFR 200\)](#) establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities.

As a non-federal grant recipient, Maine Department of Inland Fisheries and Wildlife (MDIFW) may apply any shared costs or matching funds and contributions, including cash and third-party contributions, as it's cost share or match requirement under federal grant awards when such contributions meet the criteria set under [2 CFR 200.306\(b\)](#) . Cost share or match is the portion of the project's cost which is not paid by federal funds. MDIFW often refers to cost sharing and match as “match”.

This policy establishes procedures for MDIFW staff to recognize the commitment of match, and to define appropriate actions to ensure match is approved in the award, eligible, correctly identified, valued appropriately, and documented properly consistent with 2 CFR 200.

##### **APPLICABILITY**

This policy applies to all MDIFW staff who commit, accept and/or apply match, and in-kind contributions as part of project costs under federal awards.

##### **RESPONSIBILITY**

When a project is funded with Federal funds, it will be the responsibility of the MDIFW Project Leader, Division Director, or their designees, with consultation of the Federal Aid Coordinator and Natural Resources Service Center (NRSC), to ensure match and in-kind contributions are approved in the award, eligible; properly identified, valued, and documented as outlined under this policy, as well as ensuring match commitments are met.

## DEFINITIONS

Definitions in [2 CFR 200.1](#) apply to this policy, including the following:

Cost sharing or matching: portion of project costs not paid by Federal funds or contributions (unless otherwise authorized by Federal statute).

Project cost: total allowable costs incurred under a federal award and all required cost sharing and voluntary committed cost sharing, including third-party contributions.

Voluntary committed cost sharing: cost sharing specifically pledged on a voluntary basis in the proposal's budget on the part of the non-Federal entity and that becomes a binding requirement of Federal award.

Third-party in-kind contributions: value of non-cash contributions (*i.e.*, property or services) that (1) Benefit a federally assisted project or program; and (2) Are contributed by non-Federal third parties, without charge, to a non-Federal entity under a federal award.

## POLICY AND PROCEDURES

When a project is funded with federal funds, and match funds have been identified as part of total project costs, MDIFW staff will use this policy to ensure compliance with 2 CFR 200.

Cost sharing or matching funds have the same restrictions as federal funds; therefore, these funds follow the same allowable and unallowable guidelines under the federal award. The expense must be allowable for federal funds to be allowable as match.

2 CFR 200.306(b) states “For all Federal awards, any shared costs or matching funds and all contributions, including cash and third-party in-kind contributions, must be accepted as part of the non-Federal entity's cost sharing, or matching when such contributions meet all of the following criteria:

- (1) Are verifiable from the non-Federal entity's records;
- (2) Are not included as contributions for any other Federal award;
- (3) Are necessary and reasonable for accomplishment of project or program objectives;
- (4) Are allowable under subpart E of this part;
- (5) Are not paid by the Federal Government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
- (6) Are provided for in the approved budget when required by the Federal awarding agency; and
- (7) Conform to other provisions of this part, as applicable. “



MDIFW staff, along with NRSC staff will properly document cash match in its accounting system; ensure it is not used for any other federal award, verify it is allowable, reasonable, and necessary for the accomplishment of the project objectives and that it conforms to other provisions of 2 CFR 200.

MDIFW staff will follow the guidance under “Match Identification, Valuation and Documentation” section below to complete the following steps to ensure match meets the criteria listed in 2 CFR 200.306(b) as identified above:

- Properly identify match type.
- Document intended use of in-kind match in grant Project Statement and/or Budget Narrative. Specifically identify the type of in-kind match, why it is necessary and reasonable to the project, along with an estimated amount of in-kind match to be generated and the method of valuation.
- Properly value in-kind services and donations.
- Ensure application of in-kind match has been approved by the awarding federal agency before it is applied as cost share to the federal award.
- Verify in-kind match is not coming from a federal funding source or previously used on another federal grant to meet cost sharing requirements.
- Collect proper documentation of match (timesheets, invoices, etc.).
- Verify in-kind match occurred during the period of performance. Land acquisition could be an exception; staff will check with Federal Aid Coordinator.

## **MATCH IDENTIFICATION, VALUATION AND DOCUMENTATION**

### **IDENTIFICATION OF MATCH**

MDIFW staff will use the definitions below to correctly identify the type of match:

- Cash match includes cash spent for project-related costs. The allowable cash match must include costs that are necessary, reasonable, and allowable under the federal program. Cash match can include cash donations, non-federal income from products or services, state/local government grants or appropriations, foundation grants, corporation contributions.
  - Cash match contribution can only be applied to your match requirement once its expended on a cost or activity identified in the grant award.
- Third-party in-kind contributions includes but is not limited to the valuation of non-cash contributions provided by a third-party (an entity without financial interest/involvement in the award). In-kind match may be in the form of services, supplies, real property, and equipment. The value of the in-kind match may be used for the cost sharing and matching requirements if the in-kind contributions are necessary and reasonable and allowable under the federal program.

- If the individual or entity providing the service, supplies, real property, or equipment is receiving grant funds, then the match is not considered in-kind – it is considered simply match.
- Note: Recipients/subrecipients cannot be reimbursed for third party in-kind contributions; they can only use these contributions to meet the cost sharing or matching requirements under the federal award

## VALUATION OF MATCH

MDIFW staff will use [2 CFR 200.306](#) and the following guidelines to value third party in-kind match:

- Donated property from third parties (such as office supplies, field supplies, equipment, laboratory supplies) will be assessed a value not to exceed fair market value at the time of donation (2 CFR 200.306(g). MDIFW staff will determine fair market value at the time of donation by using the State Controller's Office definition of fair market value ([SAMM Section 30.70.10](#)) as the amount that could reasonably be expected to be received for an asset/investment in a current sale between a willing buyer and a willing seller the price that item would sell for on the open market.
- Third-party donated land and buildings for which title will not pass to MDIFW will be determined using the State's accounting policies, but with the following qualifications: value of donated land and buildings must not exceed fair market value at the time of donation as appraised by a licensed real property appraiser in accordance with Uniform Appraisal Standards for Federal land acquisitions; and reviewed by a qualified review appraiser ([2 CFR 1402.329\(b\)](#)); unless a waiver valuation applies in accordance with [49 CFR 24.102\(c\)\(2\)](#).
- Third-party donated equipment and rental space will be valued at the fair market value. MDIFW will value equipment in comparison to equipment of the same age and condition at the time of donation using the State Controller's Office definition of fair market value. Rental space will be valued at the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.
- Third-party donated equipment, buildings and land for which title will pass to MDIFW will be valued depending on the purpose of the federal award if one of the following applies: the purpose of the federal award is to assist MDIFW in the acquisition of equipment, buildings or land then MDIFW will apply the aggregate value of the donated property as match; if the purpose of the Federal award is to support activities that require the use of equipment, buildings or land normally only depreciation charges for equipment and buildings may be made. However, fair market value of equipment or other capital assets and fair rental charges for land may be used if the Federal awarding agency approves. MDIFW staff will work with Federal Aid Coordinator in this instance.
- Value of loaned equipment from third parties will not exceed its fair market rental value at the time of loan (2 CFR 200.306(i)(4)). MDIFW will determine fair market value at the

time of loan by using MDOT's Labor Reimbursement and Private Equipment Rates found on their website: <https://www.maine.gov/mdot/csd/laborrates>

- When a third-party organization provides the services of an employee, and the services are like the type of work the employee normally performs, the rate will be the employee's regular rate of pay plus an amount of fringe benefits that are reasonable, necessary, allocable, and otherwise allowable (2 CFR 200.306(f). If the work is not like what the employee is normally paid for, the rate will be what MDIFW would pay its own employees to conduct the work. If MDIFW does not have staff that conducts that type of work, then the rate will be consistent with those paid for similar work in the labor market as defined by the U.S. Bureau of Labor Statistics, found here: [https://www.bls.gov/oes/current/oes\\_me.htm](https://www.bls.gov/oes/current/oes_me.htm). In either case, paid fringe benefits will be included if they are reasonable, necessary, allocable, and otherwise allowable.
- When volunteer services are provided by professional and technical personnel, consultants and other skilled and unskilled labor, the rate for third-party volunteer services will be consistent with those paid for similar work in State service within MDIFW. If MDIFW does not pay State employees for similar services, then the rate will be consistent with those paid in the labor market as defined by the U.S. Bureau of Labor Statistics, found here: [https://www.bls.gov/oes/current/oes\\_me.htm](https://www.bls.gov/oes/current/oes_me.htm). In either case, paid fringe benefits will be included if they are reasonable, necessary, allocable, and otherwise allowable.
  - Division Directors or their designees, with consultation of the Federal Aid Coordinator will identify those positions consistent with work to be performed by volunteers to the Financial Analyst on an annual basis in conjunction with the federal fiscal year.
  - The Financial Analyst will use this list of positions and create an annual spreadsheet to allocate a reasonable rate of pay for each position by using Step 1 of the State Salary Schedule, adding the cost of the lowest available benefit package.
  - MDIFW staff will use the annual spreadsheet created by the Financial Analyst to apply an appropriate rate to volunteer services as approved by the Division Director, or their designee. A copy of the most current spreadsheet will be provided with any grant applications where volunteer services are requested.
  - The volunteer rates will change periodically when the State's salary schedules are adjusted. MDIFW will include language in grant Project Statements and/or Budget Narratives to reflect the current calculated rate, as well as a request permission to use revised rates as the state's salary schedules change and Financially Analyst updates the spreadsheet.

MDIFW staff will use the following guidelines to value Recipient or Subrecipient Match:

- For volunteer services, not connected to a third-party, MDIFW staff will use rates for volunteers as prepared on an annual basis by the Financial Analyst (see above).

- Values for contributions of services and property by MDIFW will be established in accordance with the cost principles in [200 CFR Subpart E - Cost Principles](#). IF MDIFW is authorized by a federal awarding agency to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for match purposes must be the lesser of:
  - 1) the value of the remaining life of the property recorded in MDIFW's accounting records at the time of donation, or
  - 2) the current fair market value. However, in some cases the federal awarding agency may approve the use of the current fair market value of the donated property even if it exceeds the remaining life value. MDIFW staff will work with the Federal award agency, the Departments Federal Aid Coordinator and NRSC staff to determine best valuation.
- Unrecovered indirect costs, including indirect costs on cost sharing or matching, may be included as part of the cost sharing only with prior approval of the Federal agency. Unrecovered indirect costs are the difference between the amount charged to the Federal award and the amount which could have been charged to the Federal award under the non-Federal entities negotiated indirect cost rate agreement (2 CFR 200.306(c)).
- Recipients and subrecipients may use their own equipment and charge an equipment use rate to the Federal award. Depreciation is the method for allocating the cost of fixed assets to periods benefitting from the assets use ([2 CFR 200.436](#) ). Non-Federal entities may be compensated for the use of its buildings, capital improvements, equipment, and software project capitalized in accordance with GAAP, provided they are used, needed in the non-Federal entity's activities, and properly allocated to Federal awards. Staff will ensure costs are not already included in indirect cost rate agreement.

## DOCUMENTATION OF MATCH

- MDIFW staff will ensure match documentation indicates the source, what was donated, donation date(s), how value was determined and who verified the information.
- MDIFW staff will provide the Federal Aid Coordinator, and its designees, as well as applicable staff at Natural Resources Service Center, with documentation of the determination, valuation, and other related documentation for retainage in the appropriate Federal grant file.
- MDIFW staff will ensure volunteers use "MDIFW Volunteer Match System" to record services; then MDIFW will review/approve/deny accuracy of those services on a bi-weekly schedule. Project Leaders, Division Directors, and their designees with consultation of the Federal Aid Coordinator will ensure accurate information about the Project, Federal grant and approved volunteer hourly rates are contained in the database to comply with 2 CFR 200.
  - Time and attendance records for volunteers will be like those maintained by the State. These records will include at a minimum: project name, volunteer name, actual number hours worked (recorded daily with start and end time); number of

miles traveled each day (if applicable); volunteer signature/certification and project leader name and signature/certification.

- Project leaders will verify and export documentation from the MDIFW Volunteer Match System and provide it, along with appropriate documentation, to MDIFW administrative staff to verify and enter in the Department's Match DB. Once the match has been verified, it will be forwarded to NRSC for use as match under a federal award.
- Overmatch will be documented in performance and financial reports; supporting documentation as to reason for overmatch will be retained in the Federal grant files at NRSC and MDIFW. If overmatch is known prior to the federal award end date, the award can be revised to obtain approval of costs.
- Federal grant files will be kept for the period identified in MDIFW's Archive retention schedule or until the Federal grant has been audited, whichever is greatest.

**For more information:**

OMB Uniform Guidance - [2 CFR 200.306](#) - - Cost Sharing or matching

OMB Uniform Guidance - [2 CFR 200 Subpart-E](#) – Cost Principles

OMB Uniform Guidance – [2 CFR 200.404](#) – Reasonable Costs

OMB Uniform Guidance - [2 CFR 200.474](#) – Transportation Costs

OMB Uniform Guidance - [2 CFR 200.403](#) – Factors affecting allowability of costs

[Financial Assistance Interior Regulation, Supplementing OMB Uniform Guidance - 2 CFR 1402.329 - Land Acquisition](#)

This policy was accepted and approved on: \_\_\_\_\_

\_\_\_\_\_  
Judith A. Camuso, Commissioner

\_\_\_\_\_  
James M. Connolly, Director Bureau of Resource Management

## C2.1

### **ADMINISTRATIVE POLICY REGARDING ACCEPTANCE OF GIFTS**

It is against State of Maine policy for an employee to accept gifts from any person or business that conducts business, or expects to conduct business, with the State of Maine.

Further, it is unlawful (Title 17-A M.R.S.A. Sections 602, 604, 605, and 606) for persons or businesses to give gifts to State employees and for State employees to accept gifts that are intended to improperly influence the State employees in the exercise of their duties.

For the purpose of administrative guidance, gifts do not include advertising items of nominal value such as calendars, pens, or pencils. However, goods and services which involve a pecuniary benefit should be considered as gifts.

## C2.2

### **ADMINISTRATIVE POLICY REGARDING REFUNDS ON LICENSING AND REGISTRATION SALES**

The purpose of this policy is to clarify when the Department of Inland Fisheries & Wildlife will and will not issue a refund in regard to licenses, permits and registrations.

All refunds requested must be made in writing to the Department of Inland Fisheries & Wildlife within 30 days of purchase.

Refunds will be issued for the following reasons:

A person has purchased two or more licenses, permits, or registrations for the same activity or vehicle.

A person has purchased an authority then becomes seriously ill or dies before using the authority.

A person has purchased the incorrect license or permit, or has registered the wrong vehicle.

A person has overpaid for a given license, permit or registration.

A person has purchased a license, permit or registration when they were not legally required to purchase that license, permit or registration.

A person has purchased an authority and then is deployed by a branch of the United States armed services before using the item.

Refunds will not be issued for the following reasons:

A person purchases a license, permit or registration and then has their privilege to use the authority revoked.

A person purchases a license, permit or registration when their privilege to use the authority was already under revocation.

A person purchases a license, permit or registration and participated in that activity before requesting their refund.

This agency will not process any refunds under \$10.00.

Any other case not described above may be reviewed by management at the department to determine eligibility of the requested refund. All decisions by the Department of Inland Fisheries & Wildlife are final.

## **POLICY TO ADMINISTER AND AWARD FUNDS FROM THE AUCTION OF MOOSE HUNTING PERMITS TO FUND YOUTH CONSERVATION CAMP EDUCATION PROGRAMS**

### **I. POLICY AND PURPOSE**

#### **A. Statement of Policy:**

The Commissioner may issue not more than 10 moose hunting permits through public auction to the highest bidders as provided in 12 M.R.S. §11154 (11). Pursuant to 12 M.R.S. §10206 (8), all revenues derived from the sale of moose hunting permits through the auction must be deposited into a special non-lapsing account by the Department of Inland Fisheries and Wildlife (“Department”) and be used to pay the costs of administering the process of issuing permits and to fund youth conservation education programs. Those monies are deposited into a dedicated youth conservation education account (“fund”) administered by the Department. The Commissioner recognizes the need to have guidelines for staff when administering this fund and program.

#### **B. Purpose:**

This policy establishes guidelines for Department staff to administer the application process, award funds in a consistent manner and ensure that the youth conservation education camps which benefit from the fund are operated in a manner that meets the standards set forth in this policy.

#### **C. Scope:**

This policy applies to any summer camp, day camp, residential camp or any other conservation education organization seeking funding from the fund. Applicants must have the ability and documented experience to provide the Department approved curriculum detailed below.

### **II. BACKGROUND:**

Since the adoption of 12 M.R.S. §11154 (11) in 1993, funds raised from the sale of moose hunting permits have been allocated in the form of scholarships awarded to Maine resident boys and girls, ages 8-17, to attend 1 week (Sunday evening to Friday morning) of residential conservation camp.

Initially, eligible residential summer camps were selected through a “Request for Proposal” or “RFP” process. However, more recently, 2 or 3 approved summer residential camps have been awarded sole source contracts, based on their prior history as camp providers, experience and ability to meet all aspects of the Department required curriculum.

### **III. GUIDELINES & PROCEDURES:**

- A. Full scholarship (defined as a maximum distribution of \$400.00 per camper for one week of basic conservation camp) funding will be provided for Basic Conservation Camp. Any summer camp, nonprofit, for profit or other conservation education organization seeking funding must demonstrate the ability and documented experience to provide the following Basic Conservation Camp curriculum through either a residential or day camp experience for Maine resident boys and girls ages 8-17. The full scholarship amount will be reviewed annually by the Department.



## C2.3

1. The full slate of 12 required Basic Conservation Camp topics must be organized into a Department approved block schedule that fits into the Sunday evening through Friday morning residential or Monday through Friday day camp schedule. The Department must review and approve curriculum developed by the camps covering all required topics.
  2. The Basic Conservation Camp Schedule will include instruction in the following topics:
    - a. Hunter/range safety / 22 cal. rifle shooting/bow hunting in compliance with hunter safety education standards and certification;
    - b. Map and compass/orienteering
    - c. Outdoor survival
    - d. Archery
    - e. Forest ecology and tree identification
    - f. Fishing instruction and fish biology
    - g. Wildlife management, endangered species, and wildlife identification
    - h. Habitat differentiation and investigations
    - i. Sportsman's ethics/landowner relations
    - j. Introduction to trapping
    - k. Hiking
    - l. Low impact outdoor recreation principles (Leave No Trace)
  3. Other natural science, wildlife, fisheries, recreational safety and/or conservation topics, activities and games should be included in the proposed Basic Conservation Camp block schedule if all topics listed above have been covered and there is additional time during the week.
- B. Partial scholarship (defined as a maximum distribution of \$300.00 per camper for one week other than basic conservation camp) funding for boating safety certification (including canoe and/or kayak safety); and/or ATV safety certification and/or snowmobile safety certification may be provided if offered during camp weeks other than Basic Conservation Camp. The partial scholarship amount will be reviewed annually by the Department.
1. These other camp weeks shall provide a block schedule, reviewed and approved by MDIFW, which also includes instruction in the following topics:
    - a. Outdoor survival
    - b. Fishing instruction and fish biology
    - c. Wildlife management, endangered species, and wildlife identification
    - d. Sportsman's ethics/landowner relations
- C. The full cost per camper for a week of residential or day camp must be specified in the applicant's request for funding.
- D. Other required information, documentation and services that must be provided in conjunction with the topics, curriculum and schedule include the following:
1. Proof of a current license and documentation of compliance with all rules relating to Youth Camps, Primitive and Trip Camping (10-144 CMR 208) as administered by the Department of Health and Human Services
  2. A copy of the previous and current year's operating budgets

C2.3

- 3. A list of camp staff positions and when possible, resumes of staff filling those positions and for how long, including but not limited to summer camp director, program manager, counselors, cooks, nurses, and maintenance staff
- 4. A list of camp equipment necessary and available for implementing the Department topics and curriculum with seasonal and annual maintenance plans
- 5. Program administration tasks including but not limited to:
  - i. year-round response to requests for information/ inquiries
  - ii. creation and updating of brochure/registration printing and mailings
  - iii. camp marketing and promotion to a statewide audience
  - iv. maintenance of an electronic database of current campers and other interested parties
  - v. processing of all camper registrations, maintenance of medical forms, camper confirmations, cancellations and last minute replacements
  - vi. organization of weekly room/space assignments for campers with desired 50/50 boy/girl ratios
  - vii. maintenance of a year-round web site
  - viii. a current annual medical emergency plan
- 6. Any or all organizations selected to deliver Department youth conservation education programming shall be subject to several random, unannounced site and program monitoring visits for the duration of camp weeks from Department staff or its approved agent(s), documenting and ensuring satisfactory and consistent delivery of Department programming throughout the summer camp season. Any observations made will be shared with camp’s staff as they are reported after each visit.

E. Distribution of Funds:

- 1. Funds will be distributed annually. The Department’s conservation education program administrator, the recreational safety and vehicle coordinator, the Information and Education Director and one person from Resource Management and one person from Warden Service shall decide how the funds will be distributed based on available funds, and the following criteria:
  - a. The total number of existing or newly qualified applicants
  - b. Applicant’s ability to serve underprivileged or disadvantaged children
  - c. A balanced geographic distribution of camps statewide
  - d. No more than 80% of the total funds shall be utilized in each calendar year; the remaining funds may be used for other administrative program needs for that year and to maintain consistent funding for subsequent years.

F. The Commissioner will have final approval on funding to all camps.

G. Summary: In the event any summer camp, nonprofit, for profit or other conservation education seeks information about the Youth Conservation Education Fund, the application and award process in this policy shall be utilized to provide guidance and information.

## INDEX

### **SECTION C. FINANCE AND ACCOUNTING**

#### CHAPTER 1. INTERNAL FINANCE

- C1.1 Procurement Cards
- C1.2 Purchasing
- C1.3 Expense Reimbursement
- C1.4 Petty Cash
- C1.5 Improper Transactions – Notification Requirements
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- C1.7 Subrecipient Awards Policy

#### CHAPTER 2. HANDLING MONEY FROM THE PUBLIC

- C2.1 Acceptance of Gifts
- C2.2 Refunds of Overpayments on all Sales
- C2.3 Moose permit auction youth conservation funding

## D1.1

### **ADMINISTRATIVE POLICY REGARDING SAFETY EQUIPMENT IN VEHICLES**

For the safety of IF&W employees, each supervisor should ensure that each vehicle assigned has the mandatory equipment.

The following safety equipment should be kept in all Department vehicles.

#### **MANDATORY SAFETY EQUIPMENT**

FIRST AID KIT  
ACCIDENT FORMS WITH A PROCEDURE/PROTOCOL ATTACHED  
FIRE EXTINGUISHER  
EMERGENCY CONTACT PHONE LIST  
FLASHLIGHT

Optional safety gear may be appropriate for certain vehicles.

#### **OPTIONAL SAFETY GEAR**

TOW CHAIN/STRAP  
SAFETY THROW ROPES  
CALLING CARD  
ICE CREEPERS  
HAND ICE-PICS  
ROAD FLARES  
BOOSTER CABLES  
PROTECTIVE GLOVES

Equipment can be picked up at the warehouse.

## D1.2

### **ADMINISTRATIVE POLICY REGARDING MOTOR VEHICLE ACCIDENTS**

The purpose of this policy is to establish a uniform reporting procedure for accidents involving State-owned vehicles, and to transmit Part IV, Risk Management Division, Section of Manual of Financial Procedures.

In the event that you are involved in a motor vehicle accident while driving a State-owned vehicle, please comply with the following procedures:

- A. Reportable Accidents A reportable accident is any accident resulting in property damage or personal injury (even if only State personnel and state property are involved).
- B. Personal Injury Accidents When accidents result in a personal injury:
  - 1. Determine immediately the nature and extent of any and all personal injuries of those involved in the accident.
  - 2. Summon medical assistance as required. Do not attempt to move anyone. Keep injured person(s) warm and wait for medical personnel to arrive.
  - 3. Summon local or State Police to the accident scene immediately. The police must be notified that personal injuries are involved or they may not respond immediately. The message to the police should be clear on the need for an ambulance. If you have already requested one, so state. If you wish them to dispatch one, be sure to give the route number, town, approximate distance in miles from a known landmark (s), and in what direction (north, south, etc.). Good clear directions are necessary in order that police and ambulance personnel can arrive without delay.
  - 4. Notify your immediate supervisor, at once, if a personal injury is involved. If the State driver is injured, it is the responsibility of the immediate supervisor to initiate the proper steps and reports as soon as notified.
- C. Property Damage Accidents Any accident resulting in physical damage to State or private property must be reported, including minor paint scratches or dents. Reports must be reviewed by the supervisor before submittal.
- D. Required Reports The Blue Accident Report Card issued by Risk management will be carried in all departmental owned vehicles. This form qualifies as the State of Maine Driver's Report of Traffic Accidents.

E. Time period for reporting Accidents resulting in severe personal injury or death must be called in to the Risk Management Division and followed up with the required reports.

1. *24 hours (verbal report)*

The driver shall notify the Risk Management Division, 85 SHS, Augusta, Maine 04333-0085. immediately (meaning with 24 hours or, if on a weekend or holiday, the first working day they are open) 8 a.m., Monday-Friday. Telephone number 1-800-525-1252.

2. *48 hours (written report)*

Complete the blue driver's accident report card as completely as possible and send the original and a photocopy to the Risk Management Division, 85 SHS.

3. *Minor Accidents (written report)*

The driver's report must still be submitted even though there is no personal injury or major property damage.

F. Request for Details on Accidents

1. Do not answer any questions regarding an accident unless they come from the following groups listed below:
  - a. State, local police and County Sheriff's Department.
  - b. Your supervisor.
  - c. Risk Management Division personnel, who show you their business card as identification, or an adjuster assigned by Risk Management. If in doubt about the adjuster, check with Risk Management.

## D1.3

### **ADMINISTRATIVE POLICY ON PERSONAL PROTECTIVE CLOTHING, EQUIPMENT AND DEVICES**

#### PURPOSE AND SCOPE

Employees of the Maine Department of Inland Fisheries & Wildlife permanently or temporarily assigned to work areas where there is possible danger of injury, such as from impact, falling or flying objects, shock or burns, contaminated air or loud noise shall be protected by standardized personal protective clothing, equipment and/or devices and will be trained if necessary in the proper use and care of same. For purposes of this policy OSHA term PPE, or personal protective equipment, is intended to include any clothing, equipment or devices that may be required in worksites utilized by Inland Fisheries & Wildlife employees. Failure to use or to correctly use such PPE in work areas or activities outlined in this policy and its appendices and attachments may result in disciplinary action up to, and including, discharge. Managers and supervisory personnel may be subject to disciplinary action when they fail to require use of PPE or fail to enforce compliance with this policy through the use of ordinary supervisory and leadership techniques or by using the disciplinary process themselves where necessary.

#### BASIS

This policy, its appendices and attachments, and the practices described have been developed on the basis of State and Federal law, regulation, or policy and are supported by collective bargaining agreement. The specific policies and/or procedures as set forth in this policy are not meant to reduce or diminish more stringent directive or procedures for use of PPE that may be developed by unique operational units within the Department. Instead they are meant to serve as standardized minimum requirements. In fact, Bureau Directors, Division Heads, and on-site supervisory personnel are authorized and encouraged to direct the use of PPE in areas and activities not outlined in this policy when in their judgment there is reason to believe that such action is in the best interest of the safety of the employee(s).

#### RESPONSIBILITY

Employees of the Maine Department of Inland Fisheries & Wildlife are responsible for carrying out the intent of this policy and its appendices and attachments. Employees are responsible for attending training as scheduled to meet the requirements of this policy. Employees who fail to attend appropriate training or testing programs required before using or wearing certain PPE may be deemed unqualified to perform their jobs or certain duties of their jobs.

During day-to-day operations, immediate supervisors and working leaders of departmental employees are charged with ensuring compliance with this policy, its appendices and attachments.

For purposes of this policy, the meaning of immediate supervisor includes any Inland Fisheries & Wildlife employee who has direct and personal management or control of a work location or of another employee. This could include a formally designated lead-worker, the senior of two or more employees working by themselves or in some situations, an employee whose job typically

requires working along with infrequent observation by a supervisor. This definition is in keeping with the intent of the State of Maine Workplace Manslaughter Law in its attempt to identify accountability for the safety of a worksite. This does not relieve regularly assigned supervisors from their responsibility to provide essential PPE to such remotely assigned workers or working leaders, but simply recognizes the fact that supervisors cannot be all places at all times.

Bureau Directors, Division Heads, and all intermediate managers and supervisors are charged with implementing, promoting, monitoring and enforcing the provisions of this policy in a manner which clearly demonstrates to first level supervisors and employees that they support the overall safety policy of the Department of Inland Fisheries & Wildlife. Procurement, issuance of, and accounting for all PPE will be the responsibility of the Division Head or his/her designee. Personal protective equipment (PPE) necessary to bring about conformance with this policy will meet or exceed state and/or federally adopted safety standards. Division Heads are also responsible for ensuring that their employees are properly scheduled and directed to attend training and testing programs designed to qualify or maintain employee qualifications to use and wear PPE. First level supervisors will ensure that initial and continuing on-the-job training emphasizes the use of PPE as an integral part of performing duties in accordance with performance standards.

#### CONTRACTOR SAFETY

The Department of Inland Fisheries & Wildlife has a certain responsibility to see that its contractors and utility companies work within the State's rights-of-way and work in a safe manner. The Department shall act through its appropriate supervisory/management personnel.

Contractors employed by the Department shall comply with all applicable safety standards including OSHA and MUTCD. Contractors shall not be required to comply with this policy.

If a serious violation of safety standards is observed and there is an imminent danger, then the work shall be stopped until conditions are corrected. If there is not an imminent danger but a clear violation exists, the contractor shall be notified. This notification should be done through the contractor's competent person or highest-ranking person on site.

Utility companies and their agents working within a State's rights-of-way shall comply with safety standards. Notification to a utility company or its agent shall be in the same manner as notifications to a contractor employed by the Department.

The Department shall communicate through its Engineering Division Director, or Bureau Director. Other Department employees who observe an unsafe condition shall notify any of the above employees to take appropriate action.

If a contractor or utility fails to take necessary action, the appropriate outside agencies shall be notified; such as OSHA or State Police.

The Maine Department of Inland Fisheries & Wildlife's Division Heads will be responsible for overseeing this program and providing technical support and guidance to supervisors and safety coordinators as well as developing policies in new and related safety subjects.



## TRAINING

Employees of the Maine Department of Inland Fisheries & Wildlife will receive initial and periodic training and instruction on PPE training and may be provided by anyone possessing sufficient knowledge or prior experience in the areas to be covered. Training may be presented in the following forms: verbally, written or visually, or any media type as needed. Content of this training shall cover at least the following areas:

- Explanation of the hazard from which the PPE is meant to shield the employee
- Proper fit and/or usage
- Maintenance, inspection and care
- Emergency procedures for equipment or device failure
- Disciplinary consequences of failure to wear and use required PPE

In addition to the training described above, employees will receive on-the-job training for any task(s) which incorporates the use of PPE as the only acceptable means of accomplishing job duties.

The following appendices and attachments listed below are included in this administrative policy. Additional appendices and attachments will be published as necessary.

APPENDIX A	Hard Hats
APPENDIX A-1	Hard Hat Exceptions
APPENDIX B	Safety Vests
APPENDIX C	Eye and Face Protection
APPENDIX D	Leg Protection
APPENDIX E	Safety Footwear
APPENDIX F	Hand Protection
APPENDIX G	Hearing Protection

## APPENDIX A

### HARD HATS

Hard hats will be worn by all Departmental employees while performing work activities outlined below.

1. Engineering maintenance activities as designated by the Division Head or Supervisor.
2. Logging and/or forestry maintenance activities including use of brush clearing devices and chainsaws.
3. Maintenance of traffic control devices as designated by the Division Head or Supervisor.
4. Construction loading and unloading activities as designated by the Division Head or Supervisor.
5. Activities in and around overhead equipment or objects as designated by the Division Head or Supervisor.
6. Equipment maintenance areas as designed by the Division Head or Supervisor.
7. Building construction or maintenance as designated by the Division Head or Supervisor.
8. Private areas designated by owner or operator as “Hard Hat” areas.
9. Construction inspection activities as designated by the Division Head or Supervisor.

The only exceptions to the above policy will be those approved in writing by the respective Bureau Director. Each exception will be distributed as an attachment to D1.3 and will be consistent statewide for the Division or Divisions for which the exception is approved.

## APPENDIX A-1

### HARD HAT EXCEPTIONS

Employees may wear Maine Department of Inland Fisheries & Wildlife furnished caps in lieu of all hard hats in the following circumstances:

1. While involved in pre-construction activities where equipment and/or machinery are not in use.
2. While performing any field data collection activity such as surveys that are not in a work zone.
3. While painting equipment or buildings where equipment and/or machinery is not in use.

## APPENDIX B

## SAFETY VESTS

High visibility reflectorized safety vests will be worn by all departmental employees whenever they are exposed to vehicular traffic. Vests must be worn as the outermost garment and not be obscured by other clothing.

## APPENDIX C

### EYE AND FACE PROTECTION

The purpose of this Appendix is to reduce the chance of eye and face injuries sustained by Department of Inland Fisheries & Wildlife employees, contractors, its visitors and guests while in areas under our authority.

#### A. Affected personnel and areas defined.

This covers any person(s) who may be working, visiting or transiting in any area operated and/or controlled by the Department and who are involved in, or in proximity to a process or work that has the potential for eye or face injury.

To include: Any working bay, lab, shop, storage or stock area, job or work zone, yard area, bridges, barges, boats, piers, platforms and any other work site where hazards to the eye are present.

Areas excluded: Lavatories (except for custodians while engaging in their duties), lunchrooms, office areas, parking areas used for public and employee parking, also while operating equipment (in a totally enclosed compartment or cab), and inside of motor vehicles.

#### B. Activities covered and protection necessary.

Any work activity or task that has an identified or potential hazard which could result in eye or face injuries. These activities may include but are not limited to:

1. **Transiting work areas** – safety glasses
2. **Grinding, chipping and sanding** – safety glasses (minimum) and face shield (recommended)
3. **Welding, brazing, cutting** – safety glasses and appropriate welding hood or shaded face shield
4. **General shop maintenance** – safety glasses (minimum)
5. **Machining, drilling, use of brush clearing devices** – safety glasses (minimum) and face shield (recommended)
6. **Steam cleaning, pressure washing** – safety glasses and face shield recommended
7. **Working with woodworking tools** – safety glasses (minimum)
8. **Parts washing** – safety glasses or goggles and face shield
9. **Overhead work** – safety glasses or goggles (minimum)
10. **Using jackhammers** – safety glasses

11. **Operating chainsaws** – safety glasses and face shield
12. **Working with chemicals** – goggles (splash proof) and face shield
13. **Custodial work** (lavatories) – safety glasses or goggles
14. **Yard work** (moving lawns) – safety glasses (minimum)

**NOTE: This list of tasks is to be used as a guide only. Supervisors and employees must review all tasks prior to commencing work and selecting appropriate levels of protection.**

Safety glasses can be regular, over the glasses type (OGT) or prescription eye wear, with side shields (detachable or fixed) meeting the ANSI Z87.1 standard. Face shields, when required, are in-addition to safety glasses or goggles and are not to be used alone as safety eye wear.

#### C. Selection of equipment

Selection of equipment is based on the hazards present; Section B lists equipment required for selected tasks only. For additional help in deciding what PPE is needed for the task:

- a. Review job safety assessments (JSA), maintenance manuals and product Material Safety Data Sheets (MSDS).
- b. Read the safety products information sheet to ensure that it meets the requirements of the task or application.
- c. Contact supervisors.

#### D. Compliance

Any employee covered under this policy shall, while in working status, wear protective eyewear as described herein. Failure to wear prescribed protective eye and face wear may result in disciplinary action.

#### E. Summary

This appendix was established to eliminate or reduce eye injuries. For this program to succeed we must: continue to identify and engineer out potential hazards, make remaining hazards known to all employees, select and wear the appropriate protective eye wear and train employees on use and care of protective eye wear.

## APPENDIX D

### LEG PROTECTION

Leg protection, such as long pants, shall be worn by all Departmental personnel when engaged in work activities that may result in exposure to hazards such as:

1. Sun burn
2. Abrasion

3. Insect bites (Lyme Disease)
4. Poison Ivy
5. Hazardous materials and chemicals
6. Chainsaw operation – **operation of chainsaw requires Kevlar lined chaps**

## APPENDIX E

### SAFETY FOOTWEAR

Safety footwear meeting ANSI Standard Z41.1-1991 shall be worn by Departmental employees while performing all work activities listed below.

1. Engineering maintenance activities.
2. Logging and/or forestry maintenance activities including use of brush cleaning devices and chainsaws – **operation of chainsaw, Kevlar lined footwear meeting above standards recommended.**
3. Maintenance of traffic control devices.
4. Construction loading and unloading activities.
5. Construction activities.
6. Equipment maintenance activities.
7. Building construction and maintenance activities.
8. Construction inspection activities.
9. Labs in which materials being handled post a danger of foot injury.
10. Any other working area where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole.

## APPENDIX F

### HAND PROTECTION

Hand protection will be worn by all employees when their hands are exposed to hazards such as those from skin absorption of harmful substances; severe cuts or lacerations; severe abrasions; punctures; chemical burns; thermal burns, and harmful temperature extremes.

## APPENDIX G

### HEARING PROTECTION

The purpose of this appendix is to establish methods, procedures and responsibilities to be followed as required by OSHA Standard, Title 29 CFR, Part 1910.95 and Part 1926.52 in order to ensure that employees are protected against the effects of occupational noise exposure.

#### A. General Scope

The U.S. Department of Labor's OSHA Standard limits any employee's exposure to a sound level of 90 dBa time weighted average or any instance in which the noise level exceeds 130 dBa. The Maine Department of Inland Fisheries & Wildlife's goal is to limit that exposure to 85 dBa over such a time weighted average. When employees are subjected to sound that exceeds permissible levels, then modifications to the work environment or equipment are to be implemented whenever possible. If such modifications prove infeasible, then modifications to actual time exposure to such noise levels are required. If neither method of modification to noise exposure accomplishes the Department's goal, protective equipment must be used by employees in order to limit exposure to permissible levels. Employees should seek guidance from their Division Head and/or Supervisor as to which use of hearing protection devices is required or recommended. Proper hearing protection devices will be made available at the Department storehouse or will be provided by the Division Head or Supervisor.

#### B. Procedures

Employees will be trained by Division Heads and/or designated supervisors or outside expert agents on the proper use and care of hearing protection devices.

#### C. Notice to employees

A warning notice stating "Hearing Protection Required" will be posted at all work areas where the described level exceeds permissible limits. Wearing hearing protection devices will be required within these zones.

#### D. Compliance

Any employee who fails to comply with the provisions of this policy regarding the use and care of hearing protection devices may be subject to disciplinary action.

## D1.4

### ADMINISTRATIVE POLICY ON LOCKOUT / TAGOUT PROCEDURES

#### I. GENERAL

This policy covers servicing and maintenance of machines, equipment and vehicles when UNEXPECTED startup or release of stored energy could cause injury. This policy is to meet the requirements of 29 CFR 1910.147, the control of hazardous energy (lockout/tagout).

#### II. PURPOSE

The purpose of this policy is to establish methods for isolating machines or equipment from energy sources to permit maintenance and servicing of those machines and equipment by Maine Department of Inland Fisheries and Wildlife (MDIF&W) employees. To ensure that whenever the possibility of unexpected machine, equipment, and vehicle startup exists or whenever the unexpected release of stored energy could occur and cause injury, the equipment is to be isolated from its energy source(s) and rendered inoperative prior to any servicing or maintenance (locked out or tagged out).

1. This policy **does not** apply to:

- a. Work on cord and plug connected electrical equipment for which exposure to the hazards of unexpected startup of the equipment is controlled by unplugging of the equipment from the energy source and by the plug being under exclusive control of the employee performing the servicing or maintenance.
- b. Hot tap operations involving transmission and distribution systems for substances such as gas, steam, water or petroleum products when they are performed on pressurized pipelines, provided that (1) continuity of service is essential; (2) shut down of the service is impractical; (3) documented procedures are followed, and (4) special equipment is used which will provide proven effective protection for employees.
- c. Minor tool changes and adjustments, and other minor servicing activities, which take place during normal production operations if they are repetitive and integral to the use of the equipment for production, provided that the work is performed using alternative measures which provide effective protection.

2. If one or more of the following conditions exist then machine/equipment specific lockout/tag out procedures must be implemented and documented on a Hazardous Energy Control Procedure Form (Attachment A). Completed Hazardous Energy Control Procedure Forms will be kept and made readily available by the on-site supervisor.

- a. The machine or equipment has potential for stored or residual energy or re-accumulation of stored energy after shut down.
- b. The machine or equipment has more than a single energy source which can be readily identified and isolated.
- c. The isolating and locking out of that energy source will not completely de-energize and deactivate the machine or equipment.
- d. The machine or equipment is not isolated from that energy source and locked out during servicing or maintenance.
- e. A single lockout device will not achieve locked out condition.
- f. The lockout device is not under the exclusive control of the authorized employee performing the servicing or maintenance.
- g. The servicing or maintenance could create hazards for other employees.

### **III. SPECIFIC RESPONSIBILITIES**

Each Division Head or Site Supervisor managing a Division or Site where energized machinery and or equipment is utilized will insure that employees are trained and follow the specifics of this policy. Training shall be arranged by the Human Resources Training Staff and/or Safety Coordinator. Authorized employees will perform lockout/tagout procedures according to section **V. Sequence of Lockout/Tagout**.

### **IV. DEFINITIONS**

**Affected Employee** - An employee whose job requires him/her to operate or use a machine or equipment on which service or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which such servicing or maintenance is being performed.

**Authorized Employee** - An employee who locks out or tags out machines or equipment in order to perform servicing or maintenance. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered by this policy.

Note: An authorized employee performing lockout/tagout shall know the type and magnitude of energy that the machine or equipment utilizes and shall understand the hazards. Energy types include but are not limited to Electrical, Steam, Hydraulic, Pneumatic and Stored energy i.e.: springs, propped bodies etc.



**Capable of Being Locked Out** - An energy isolating device is capable of being locked out if it has a hasp or other means of attachment through which a lock can be affixed to the equipment or machine.

**Energy Source** - Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy.

**Energy Isolating Device** - A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following. A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors, and additionally by which no pole can be operated independently; a line valve; a blind; or any similar device used to block or isolate energy. Push buttons, selector switches, and other control circuit-type devices are not energy isolating devices.

**Hasp** - Multiple lockout or tagout device.

**Lockout** - The placement of a lockout device on an energy isolating device, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

**Lockout Device** - A device that utilizes a positive means such as a lock, either key or combination type, to hold an energy isolating device in a safe position to prevent the energizing of a machine or piece of equipment. Locks and tags shall be (singularly identified) and will be supplied through the Department stockroom.

**Servicing and/or Maintenance** - Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. These activities include lubricating, cleaning, or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to unexpected energization or startup of the equipment or release of hazardous energy.

**Setting Up** - Any work performed to prepare a machine or equipment to perform its normal production operation.

**Tagout** - The placement of a tagout device or an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

**Tagout Device** - A prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolating device in accordance with established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

## V. SEQUENCE OF LOCKOUT/TAGOUT

1. Notify all affected employees that a lockout/tagout system is going to be utilized and the reason.
2. If the machine or equipment is operating, shut it down by the normal stopping procedure. This is usually done by depressing the stop button, open toggle switch, etc. In addition, ensure that all stored energy is dissipated or properly restrained. For vehicle maintenance, key must be removed and tag/lock applied to the operator control.
3. Operate the switch, valve, bleed down systems or other energy isolating device(s) so that the equipment is isolated from its energy source(s).
4. Apply lockout/tagout devices.
  - a. Attach locks or tags to each energy isolating device.
  - b. Affix locks in a manner that will hold the energy isolating devices in a safe or off position.
  - c. Affix tags, when used, in a manner that will clearly indicate that the operation or movement of the energy isolating device from the "safe" or "off" position is prohibited.
  - d. Locate tags that cannot be affixed directly to the energy isolating device as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.
  - e. All potentially hazardous stored or residual energy shall be relieved, disconnected, restrained or otherwise rendered safe. (If there is a potential for re-accumulation of stored energy to a hazardous level, verification of isolation shall continue until the possibility of accumulation no longer exists).
  - f. After ensuring that no personnel are exposed, as a check on having disconnected the energy sources, operate the push button or other normal operating controls to make certain the machine/equipment will not operate.

**CAUTION: RETURN OPERATING CONTROL(S) TO "NEUTRAL" OR "OFF" POSITION AFTER THE TEST.**

## **VI. TESTING OR POSITION OF MACHINES, EQUIPMENT AND COMPONENTS**

In situations where lockout or tagout devices must be temporarily removed from the energy isolating device and the machine or equipment energized to test or position the machine, equipment or component, the following sequence shall be followed:

1. Clear the machine or equipment of tools and materials.
2. Remove employees from the machine or equipment area.
3. Remove the lockout or tagout device.
4. Energize and proceed with testing or positioning.
5. De-energize all systems and reapply energy control measures in accordance with the requirements set forth in this policy.

## **VII. RESTORING MACHINES OR EQUIPMENT TO NORMAL PRODUCTION OPERATIONS**

1. After the servicing and/or maintenance is complete and equipment is ready for normal operations, check the area around the machines or equipment to ensure that no one is exposed.
2. After all tools have been removed from the machine or equipment, guards have been reinstalled and employees are in the clear, remove all lockout or tagout devices and notify the "affected" employees of their removal. Operate the energy isolating devices to restore energy to the machine or equipment.

## **VIII. PROCEDURE INVOLVING MORE THAN ONE PERSON**

In the preceding steps, if more than one individual is required to lockout or tagout equipment, each individual shall place his/her own assigned lockout or tagout device on the energy isolating device(s). When an energy isolating device cannot accept multiple locks or tags, a multiple lockout or tagout device (hasp) may be used. If lockout is used, a single lock may be used to lockout the machine or equipment with the key being placed in a lockout box or cabinet which allows the use of multiple locks to secure it. Each employee will then use his/her own lock to secure the box or cabinet. As each person no longer needs to maintain lockout protection, that person will remove his/her lock from the box or cabinet.

## **IX. REMOVAL OF LOCKOUT/TAGOUT DEVICES**

Each lockout/tagout devices shall be removed from each energy isolating device by the employee who applied it, EXCEPT:

1. Lockout/tagout devices may be removed by the authorized employees' immediate supervisor if the authorized employee who applied it is not available after the machine/equipment is verified to be repaired/functional and:

- a. It is verified by the authorized employee's supervisor that the authorized employee who applied the device is not at the facility;
- b. All reasonable efforts by the supervisor were made to contact the authorized employee to inform him/her that the lockout or tagout device has been removed and;
- c. The authorized employee has this knowledge before he/she resumes work at the facility.

## **X. INFORMING OUTSIDE CONTRACTORS**

Outside contractors must be informed of the elements of this program; additionally information regarding their lockout/tagout program must be conveyed to MDIF&W employees when the contractors perform work at MDIF&W facilities where lockout/tagout is necessary. The contractor will comply fully with the work efforts covered by the procedure.

## **XI. PERIODIC INSPECTIONS**

Periodically (at least annually) the effectiveness of the program will be evaluated by an authorized employee designated by the Division Head. This person will be other than the one(s) utilizing the energy control procedures being inspected. Any inadequacies shall be documented and corrected.

**ATTACHMENT A**

**HAZARDOUS ENERGY CONTROL PROCEDURE FORM**

**Each employee who must use this procedure should receive a copy of the completed form and should be adequately trained in the use of the procedure.**

Date:			

**a. Machine Identification:**

Item #			
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**b. Operator Controls:** (list all types of controls available)


**c. Energy Sources:** (indicate type(s) of energy sources used)

Electrical	Steam	Hydraulic
Pneumatic	Natural Gas	Other
Stored Energy		
Energy Source(s) and Location	Lockable (yes/no)	Type of Lock or Energy Control Device needed

**Hazardous Energy Control Procedure Form cont:**

**d. Shutdown Procedures:** (List in order the steps necessary to shut down and de-energize the equipment. For stored energy, be specific about how the energy will be dissipated or restrained)

Procedure *	Lock Type and Location	De-energized state to be verified? Yes or No? How?

**e. Start Up Procedures:** (List in order the steps necessary to reactivate (energize) the equipment. Ensure during each step that personnel are clear during any testing or activation.)

Procedure *	Energy source activated

**f. Procedures for Operations and Service/Maintenance:**

Operation Name	Alternate Procedure/Protection Developed Yes or No

**Hazardous Energy Control Procedure Form cont:**

**g. Affected and Authorized Employees:** (List each person affected by this procedure and those authorized to use this procedure.)

Affected Employees Names		Occupation/ Job Title
Authorized Employees Name		Occupation/ Job Title

**h. Documentation** (This document completed by:)

Developed By: (Authorized Employees Name)		Occupation/ Job Title	
Approved By:		Occupation/ Job Title	Date





## **ADMINISTRATIVE POLICY ON INFECTIOUS DISEASE CONTROL**

### **I. POLICY**

The State of Maine Department of Labor and the Federal Occupational Safety and Health Administration both mandate the training, vaccination, and equipping of any employees at risk of exposure to blood borne pathogens.

This Department recognizes that communicable disease exposure is an occupational health hazard. This exposure is possible during any contact with the public, especially in response to emergencies such as crashes, assaults, unattended deaths, and arrest involving a noncompliant suspect.

All blood, blood products, and other potentially infectious bodily materials must be presumed infectious until proven otherwise. The principle of Universal Precautions shall be practiced by all members of this agency in order to avoid occupational exposure.

It is the policy of this agency to protect the medical confidentiality as well as the civic rights of all members of the public and of this agency. No member will disclose another person's infectious status to anyone except as specifically allowed by law. Failure to comply with this critical confidentiality issue may result in discipline, up to and including dismissal.

### **II. PURPOSE**

The purpose of the policy and procedure is to minimize the risk of exposure to blood borne and airborne pathogens. Many people who are infected do not know so, or do not wish to make that information available.

The safest practice to follow is that of Universal Precautions. Everyone is presumed to be a potential source of infection. By utilization of these precautions, engineering controls, and good sanitary practices, the work environment will be free of unnecessary risk to employees and the public they serve.

### **III. PROCEDURES**

This procedure shall constitute the Exposure Control Plan as required by State and Federal occupational health regulations. Although it is highly recommended that these practices be followed by everyone all the time, these procedures are only required when performing occupationally required tasks.

- A. There are three ways in which exposure to blood or other potentially infectious materials (OPIMs) constitutes an exposure incident.

1. Percutaneous – exposure occurs when the skin is broken in the process. Needle stick, bites, or cuts from sharp objects. Infectious agent may be introduced directly into the bloodstream.
2. Cutaneous – occurs when non-intact skin (chapped, abraded, etc.) contacts blood or OPIMs. Infection can pass across skin.
3. Mucous Membrane – occurs when blood or OPIM splash into the eyes, mouth, or other mucous membranes.

These precautions apply to all employees, but the training and equipment aspects apply to individuals who may be or are actually performing tasks that may or will have the potential for exposure to blood or OPIMs.

1. Tasks which are High Risk:
  - a. Arrest and/or transport of non-compliant suspects
  - b. Arrest and/or transport of infected individuals
  - c. Personal injury accidents
  - d. Crime scenes
  - e. Body removal
  - f. Fingerprinting
  - g. Prisoner searches
  - h. Warrant executions
  - i. Ambulance assists
  - j. Autopsies
  - k. Evidence processing
  - l. Guarding of hospitalized and/or infected prisoners
  - m. Housekeeping/decontamination
  - n. Any situation where blood or other OPIM are present

2. Positions that perform these tasks:
  - a. Police officer
  - b. Police supervisor
  - c. Corrections officer
  - d. Corrections supervisor
  - e. Transport officer
  - f. Housekeeping
  - g. Evidence/Lab Technician
  - h. Fire fighters
  - i. Rescue personnel

**Appendix A** identifies all members who hold any position, which is at risk. This appendix will be updated anytime someone assumes or vacates a position.

**Appendix B** identifies the tasks which place a given position at risk. Whenever tasks are added or deleted, that position will be evaluated with respect to this General Order, sec. III. B. by the Infection Control Officer.

## B. DEFINITIONS

1. Biohazard: A biological material, especially if infectious, that poses a threat to humans or their environment.
2. Blood: Means human blood, human blood components and products made from human blood.
3. Blood borne Pathogens: Means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
4. Contaminated: Means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
5. Contaminated sharps: Means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, and broken glass.
6. Decontamination: Means the use of a physical or chemical process to remove, inactivate, or destroy blood borne pathogens on a surface so they are no longer

- capable of transmitting infectious particles and the surface is rendered safe for handling, use, or disposal.
7. Parenteral: Means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.
  8. Exposure incident: Means a specific eye, mouth, or other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that occurs during the performance of an employee's duties.
  9. HBV: Means hepatitis B virus.
  10. HIV: Means human immunodeficiency virus
  11. Occupational Exposure: Means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that might occur during the performance of an employee's duties.
  12. Other Potentially Infectious Materials (OPIM):
    - a. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between discrete body fluids;
    - b. Any unfixed tissue or organ (other than intact skin) from a human being (living or dead); and,
    - c. HIV containing cell or tissue cultures, organ cultures, and HIV or HBV containing culture, or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.
  13. Personal Protective Equipment (PPE): Is specialized clothing or equipment worn by an employee for protection against a hazard. PPE does not permit blood or OPIM to pass through or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal working conditions of use and for the duration of time which the protective equipment will be used. Personal Protective Equipment includes, but is not limited to:
    - a. Gloves;
    - b. Gowns;
    - c. Laboratory coats;

- d. Face shields;
  - e. Masks;
  - f. Eye protection;
  - g. Mouthpieces;
  - h. Resuscitation bags;
  - i. Pocket masks or other ventilation devices.
14. Source Individual: Means any individual, living or dead, whose blood or other potentially infectious materials might be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients, clients in institutions for the developmentally disabled, trauma victims, clients of drug and alcohol treatment facilities, residents of hospices and nursing homes, human remains, and individuals who donate or sell blood or blood components.

#### C. Administration of this General Order

1. This order is effective immediately. The Chief shall designate an Exposure Control Officer, and an Exposure Control Training Coordinator. The list of those administrators will be maintained as **Appendix C**.
2. The Exposure Control Officer (ECO) will assure that all aspects of this General Order are implemented as soon as possible. The following must be initiated:
  - a. Fix a timetable for training of all personnel (**Appendix D**)
  - b. Establish medical evaluation and vaccination procedures (**Appendix E**)
  - c. Schedule Hepatitis B vaccinations for all interested members:
    - (1) Personnel who wish to receive the Hepatitis B vaccination may do so at the agencies expense.
    - (2) The vaccination will be in accordance with recommendations contained in the current U.S. Public Health Service procedures.
    - (3) New employees will be allowed to receive the Hepatitis B vaccination within ten (10) days of initial assignment.
    - (4) Personnel who decline to receive the Hepatitis B vaccination must sign a "Hepatitis B Vaccine Decline Form." (**Appendix F**)

- (5) Personnel who decline the initial Hepatitis B vaccination may receive them at a later date at no expense.
  - (6) Personnel who wish to take advantage of the Hepatitis B vaccinations shall submit a request to the Exposure Control Officer (ECO) for scheduling arrangements.
- d. Establish records regarding vaccination program and post exposure evaluation. Those records will be considered confidential medical records and will contain any of the following records as appropriate:
- (1) Pre-vaccination evaluation and recommendation
  - (2) Vaccination History
  - (3) Post-vaccination evaluation and recommendation
  - (4) HBV vaccination declination form (**Appendix F**)
  - (5) Post exposure medical evaluation and recommendation
- e. The ECO will evaluate any position changes to determine if training and vaccination are required under this order. Unless otherwise indicated, all supervisors will immediately notify the ECO of task changes that increase or reduce a member's chance of exposure to blood or OPIM.
- f. Establish a reporting form, reporting procedure, and medical evaluation for any occupational exposure incident. (**Appendix G**)
- g. Establish decontamination and housekeeping procedures. This includes establishment of storage, labeling, cleaning schedule, and regulated waste disposal procedures. (**Appendix H**)
3. Evaluation – The Commissioner, or designee, will conduct an evaluation of existing engineering controls/work practices/procedures/training to determine if risk of exposure to blood or OPIM can be reduced. This evaluation will be conducted at least once every year, or whenever procedures change, and will include:
- a. A review of Agency Policy and Procedure Manual
  - b. A review of all occupational exposures during the past year within the agency and other comparable agencies.
  - c. A review of all existing personal protective equipment to determine if:
    - (1) Sufficient supplies exist,
    - (2) Supplies are appropriate,

- (3) Supplies are available in emergencies.
  - d. A review of all decontamination supplies, equipment and procedures to assure compliance with the standard.
  - e. Checking with all members listed in **Appendix A** to determine if:
    - (1) They have access to a copy of this procedure/control plan.
    - (2) They have access to appropriate personal protective equipment.
    - (3) They have access to decontamination equipment as appropriate.
4. The Exposure Control Training Officer will establish an Infectious Control Training program that meets the OSHA guidelines. The following training issues will be addressed:
- a. Mandatory training will be provided during working hours to members listed in **Appendix A**.
  - b. The training will be lecture with discussion and provided by a qualified instructor as required by OSHA standard.
  - c. Annual refresher training will be provided to all members listed on **Appendix A**.
  - d. Training will be provided whenever a change in tasks or positions requires it.
- D. Work place controls – Universal Precautions are the minimum safe guidelines to follow for a first responder. You must practice universal precautions in all situations where exposed to bloodborne pathogens is possible, not just when a known infected individual is present.

Even though the OSHA standards are meant to protect us from occupational exposure, remember that these are primarily sexually transmitted diseases. These precautions apply both on and off the job if you wish to remain healthy. The reasons that dictate the need to follow these precautions while on the job are:

- It is required by State and Federal OSHA.
  - It is required by this Agency's policy & procedures.
  - You may not have any accurate knowledge of the infection status of blood or OPIM.
  - In some situations you may not even see the risk due to poor visibility, weather, other activity.
1. Use of hands – any activity that involves the use of your hands to perform a function where contact with blood or OPIM is possible.

- a. Cover any unintact skin prior to going on duty. Since we may have microscopic cuts and abrasions at any time, you cannot assume that the skin is intact at all times. Therefore, your decision on personal protective equipment must be based upon the tasks performed.
- b. Arrests, searches of prisoners, objects, structures, vehicles.
  - (1) Wear disposable latex and/or utility gloves. Leather over latex allows some protection from sharp objects.
  - (2) Look first whenever possible by use of light, mirror, or dumping out contents. A flashlight should be available at all times, even daytime.
  - (3) Use another object or crushing technique to check for weapons then ask suspect to empty his own pockets if it is safe to do so.
- c. Minor first aid/lifesaving & CPR situations with no blood or OPIM.
  - (1) Wear at least one pair of latex gloves, covered by another pair or utility gloves.
  - (2) Use department issued CPR mask with one-way valve.
- d. Any member who is present at or performs tasks at crime scenes/laboratories/autopsies/first aid situations/extractions/any other situations with risk of blood or OPIM even if none are visible. Assume they are present until proven otherwise.
  - (1) Wear at least one pair of latex gloves, covered by another pair or utility gloves.
  - (2) Wear wrap around eye protection and face protection to chin.
  - (3) Wear moisture proof, protective garments.
  - (4) Do not eat, smoke, drink, or touch the face or any mucous membrane until you have left or decontaminated the scene and yourself.
- e. Handling evidence from rape, assaults, deaths, unknown sources.
  - (1) Wear at least one pair of latex gloves, covered by another pair or utility gloves.
  - (2) Use collection tools to pick up any sharp objects.
  - (3) Transport in puncture/leak proof container.
  - (4) Label as biohazard and store according to policy.



2. Proper use of Personal Protective Equipment (PPE) – The following procedure will be followed for the safe use of the required PPE.
  - a. Reusable protective garments, if required by this agency, will be provided and decontaminated at the agency's expense. Any garment that can no longer provide the necessary protection will be replaced.
    - (1) Utility gloves will be decontaminated according to manufacturer's recommendation and replaced as soon as their ability to function appears to be at risk.
  - b. Members must remove any PPE that has become grossly contaminated with blood or OPIM as soon as possible.
    - (1) PPE or clothing that have had blood or OPIM soak through are to be removed as soon as possible.
    - (2) Clean PPE or uniform must be used to replace contaminated items. All vehicles will have sufficient supply of gowns and/or coveralls to provide a clean change.
    - (3) Disposable contaminated PPE will be replaced with other similar items in a leak proof, labeled container.
    - (4) Reusable contaminated PPE will be placed in a separate leak proof, labeled container.
  - c. All PPE will be removed before leaving the work area and prior to entering an uncontaminated area.
  - d. Any body area that comes into contact with blood or OPIM will be washed immediately (or as soon as possible). Appropriate field decontamination measures will be followed until wash facilities can be used.
  - e. Hands will be washed immediately after removal of latex gloves. This procedure will be followed even if a clean pair is to be immediately put on. The only exception involves removal of contaminated outer gloves if the bottom pair has not been exposed or otherwise compromised.
3. Decontamination of equipment that has been or may have been exposed to blood or OPIM. Decontamination will be at the agency's expense. Contaminated uniforms and equipment must be cleaned in accordance with this general order.
  - a. Members who perform this task must have completed a training program in infectious disease control, and
    - (1) Wear at least one pair of latex gloves, covered by another pair of utility gloves.

- (2) Wear wrap around eye protection and face protection to chin.
  - (3) Wear moisture proof, protective garments.
  - (4) Use appropriate disinfectant for item being cleaned. Clean according to manufactures recommendations. Alcohol, bleach, and special disinfectants are the most common. Use of a 1-part bleach to 10 parts water mixture is both effective and safe for a wide range of applications. (Caution-fresh bleach mixture should be used for each application. Mixtures should not be used if they are 1 week or more old.)
- b. Facilities that are properly equipped to launder contaminated laundry/uniforms will be identified and a system to identify, label, store, and transport any regulated waste of this type to that facility will be indicated in **Appendix L**.
4. Contamination avoidance – in addition of preventing your own exposure, you have an obligation to protect others. The following steps will also be followed:
- a. Properly remove contaminated gloves before handling uncontaminated common objects such as door handles, faucets, etc.
  - b. Use paper towels or towelettes to clean up wet areas, spots, etc.
  - c. Use red bags to collect discarded protective equipment and seal when 2/3 or less full.
  - d. Use biohazard labels for contaminated equipment until it can be decontaminated.
  - e. Store biohazard containers in designated and properly marked containers and areas.
  - f. Decontaminate and/or dispose of according to agency policy. (See **Appendix H**)
  - g. Use approved containers and labels to transport any contaminated materials, such as evidence. Do not use staples.
  - h. Any property or evidence that is a biohazard risk will be properly labeled as such prior to being turned over to anyone. This includes motor vehicles turned over to a tow truck operator. Those individuals may not have received the same training as you, so make every effort to advise them of the type and location of the biohazard risk.
  - i. Areas used to dry evidence that is contaminated with wet blood or OPIM will be labeled with the proper biohazard labels during this process.

- (1) Decontamination will be performed in that area as soon as possible once the evidence has been removed.
  - (2) Biohazard labels will remain in place until decontamination has been completed.
5. Housekeeping – The ECO will implement a schedule for the cleaning of the facility and commonly used equipment such as patrol vehicles. This schedule will include, but not be limited to, any equipment or surface, which could possibly be contaminated with blood or OPIM. (See **Appendix H**).
  - a. All cleaning utensils, such as mops, sponges, brooms, tongs, dust pans and brushes, etc. shall be properly decontaminated after cleaning blood or other potentially infectious materials (OPIM).
  - b. Any areas, surfaces, or equipment that has not been decontaminated as normally scheduled or as needed will be secured and labeled as a biohazard until it is rendered safe.
- E. Engineering Controls – the use of puncture and leak proof containers is required in certain situations.
  - a. Any contaminated materials, especially if wet or dripped upon compression, must be double bagged and labeled as biohazard.
    - (1) Use red bags or clearly labeled container.
    - (2) Follow agency procedure for disposal. (See **Appendix H**)
  - b. Any sharp object which is, or may be, contaminated must be:
    - (1) In a puncture proof container;
    - (2) That is clearly marked; and
    - (3) Can be emptied without risking exposure to the contents.
    - (4) Be emptied when  $\frac{1}{2}$  to  $\frac{2}{3}$  full.
1. Hygiene – In addition to protective equipment and tools, we must follow good personal hygiene practices, such as:
  - a. Wash hands with soap and water after every incident with risk. Use towelettes in the field until washing facilities are available.
  - b. Do not eat, drink, smoke, or touch face whenever and wherever blood borne pathogens may be present.
  - c. Avoid engaging in personal high-risk behavior.

- d. Eat, sleep, and exercise properly.
- F. Special precautions for Criminal Justice Agency employees. These are some of the problems that are special to this profession.
1. Human bites – The attacker is more at risk due to exposure to your blood. Allow to back bleed, then wash and seek medical attention.
  2. CPR/First Aid – Use CPR mask with one (1) way valve. Wear barrier protection such as latex gloves, mask, eye protection (all minimum required by OSHA standard if blood or OPIM may be present). Moisture proof gowns, hats, and booties may be appropriate based upon situation.
  3. Cuts/Puncture Wounds – Avoid by using caution and proper techniques during searches. Look before you leap whenever possible. Needle stick studies show HIV risk at 1 in 200 with infected blood. HBV risk is substantially higher, closer to 1 in 10 with infected blood.
  4. Body Removal/Evidence Collection – Observe the crime scene rules, “don’t touch anything.” Do not put hands in or near mouth or any other mucous membranes. Wear appropriate barrier protection.
  5. Arrests/Disruptive Behavior – Use appropriate protective equipment and techniques whenever possible. Gloves should be put on as soon as conditions permit. Extra change of clothing should be available at all times.
  6. Urine/Feces/Spitting – Prisoners may spit or throw feces, etc. Although there are no documented cases of HIV or HBV transmission by this route, other diseases could be transmitted.
    - a. Airborne particles of dried blood may be generated when a stain is scraped. It is recommended that protective masks and eyewear be worn when working with any blood or OPIM samples.
    - b. All specimens should be put in a well-constructed, labeled container with a secure lid. Care should be taken to avoid contaminating the outside of the container.
    - c. Masks, gloves, eye protection, and gowns, should be worn if splashing or spraying of any blood or OPIM is possible during handling or processing.
    - d. Biological safety cabinets (class I or II) should be used whenever procedures are conducted that have high potential for generating droplets (blending, mixing).
    - e. Mechanical pipetting/suctioning devices should be used to manipulate liquids.
    - f. Work surfaces should be cleaned of visible OPIM and then decontaminated with an appropriate chemical germicide in the event of spills and when activities are completed.



2. Post exposure evaluation and follow-up - Following an exposure incident, the agency ECO, or supervisor, will immediately make available to the exposed employee, a confidential medical evaluation and follow-up as prescribed. (See **Appendix G**)
  - a. A copy of the “Exposure Incident Form”;
  - b. Identification and documentation of the source individual, unless identification is infeasible or prohibited by state or local law. This includes testing the source individual’s blood in accordance with state law;
  - c. Counseling;
  - d. Evaluation of reported illnesses;
  - e. Testing of the exposed employee’s blood for blood borne pathogens at an initial baseline testing procedure and at subsequent testing stages;
  - f. The agency ECO shall supply all necessary information to the healthcare provider including a copy of Part 1910 of Title 29 of the Code of Federal Regulations;
  - g. The healthcare provider will in turn submit to the agency ECO all pertinent information relating to the vaccination and/or evaluation which will be held for the duration of employment plus thirty (30) years;
  - h. A copy of the above medical records will be forwarded to the respective employee by the ECO.
  - i. The health care records of any employees will be kept strictly confidential.

#### **IV. RECORD KEEPING**

All records pertaining to the administration of the infectious disease control policy will be kept for 30 years after the termination of any member from this agency.

The records will be divided into two categories, Medical and Training. In the event that records cannot be maintained for this time period, the Commissioner will notify the director of NIOSH at least 3 months prior to the intended disposal.

A. Medical records for each employee with potential for exposure must be preserved and maintained by employer according to OSHA rule Title 29 CFR, Part 1910.20 (e).

1. Medical records must include the following information:
  - a. Employee’s name and social security number;
  - b. Employee’s hepatitis B vaccination status, including dates of all vaccinations and any medical records relating to the employees ability to receive vaccinations;

- c. Results of examinations, medical testing, and post-exposure evaluation and follow-up procedures;
    - d. The employer's copy of the health care professional's written opinion; and
    - e. A copy of information provided to health care professional
  2. Medical records must be kept confidential and maintained for at least 30 years after termination.
  3. Accessibility to medical records – Access to these records can only be provided in accordance with the legitimate operational needs of the agency and as provided by the applicable State and Federal laws, including:
    - a. Request of Director of National Institute for Occupational Safety and Health (NIOSH) or the Assistant Secretary of Labor for Occupational Safety and Health, medical and training records must be made available.
    - b. Medical records can be obtained only by the employee or anyone having the employee's written consent.
- B. Training records – Must maintain and keep accurate training records for three (3) years. Must be available to employees or employee representatives upon request. Training records must include:
  1. Training dates;
  2. Content or a summary of the training;
  3. Names and qualifications of trainer(s); and
  4. Names and job titles of trainees.

**GENERAL ORDER**

**(Sample) APPENDIX A**

The following individuals or positions perform occupational tasks which place them at risk for exposure to blood or other potentially infectious materials. This list will be updated whenever a change in position occurs.

<u>LAST NAME</u>	<u>FIRST</u>	<u>M</u>	<u>JOB TITLE</u>



(Sample)

**APPENDIX B**

This appendix identifies the task which are performed by the position indicated and may involve the risk of exposure to blood or other potentially infectious materials. Any tasks which are not listed here but have or may allowed exposure to blood or OPIM should be brought to the attention of the Exposure Control Officer immediately.

<u>POSITION</u>	<u>TASK WITH RISK</u>
<u>Patrol Officer</u>	<u>Arrests, searches, first aid,</u>
<u></u>	<u>prisoner transport, evidence</u>
<u></u>	<u>collection and handling, scene</u>
<u></u>	<u>investigation where death or</u>
<u></u>	<u>assaults may have occurred,</u>
<u></u>	<u>accident investigations,</u>
<u></u>	<u>decontamination procedures</u>
<u>Patrol Supervisor</u>	<u>Performs all of the above tasks</u>

**(Sample)**

**APPENDIX C**

The following personnel are responsible for administration of this policy and procedure. The name of those individuals and the positions will be updated whenever changes occur.

1. Exposure Control Officer: \_\_\_\_\_

2. Exposure Control Training Officer: \_\_\_\_\_

Additional responsibilities for administration of this program are as follows:

3. Personal Protective Equipment Inventory: \_\_\_\_\_

4. Medical Evaluation: \_\_\_\_\_

5. Medical Records: \_\_\_\_\_

6. Training: \_\_\_\_\_

7. Training records: \_\_\_\_\_



(Sample)

**APPENDIX E**

This Agency has made the following arrangements for Medical Evaluation and Hepatitis B vaccination for those individuals listed in **Appendix A**. Anyone who is interested and has been approved by the Exposure Control Officer for vaccination must do the following:

Call \_\_\_\_\_ and make arrangements for a pre-test evaluation. At that time you will receive your appointment for the Hepatitis B vaccination series. Upon completion of the series, you will receive a notice for a post vaccination evaluation. It is essential that this evaluation be performed to make sure the vaccination will protect you.



**APPENDIX G**

**EXPOSURE INVESTIGATION FORM**

Date of exposure \_\_\_\_\_

Time of exposure \_\_\_\_\_

Location where exposure occurred \_\_\_\_\_

Type of potentially infectious material involved:

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Source of this material:

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Task being performed/cause of exposure:

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How did the incident occur?

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Was PPE utilized and if so, what type?

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What actions were taken to decontaminate, medically treat, report the exposure?

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Recommendations to prevent future incidents or correct problems if any:

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## APPENDIX 1

### CLEANING UP BLOOD OR BODY SUBSTANCE SPILLS

#### POLICY:

All spills of blood and body substances will be cleaned with a tuberculocidal agent as soon as possible after the spill, and in accordance with above housekeeping guidelines.

#### PROCEDURE:

1. Get all necessary equipment (gloves, tuberculocidal agent, paper towels).
2. Put on gloves.
3. Place towel over spill.
4. Pour mixed solution of germicide over towel (NEVER pour solution directly on spill. This will cause splashing of blood or body substance).
5. Wipe up spill.
6. Repeat steps 3, 4, and 5 as necessary.
7. Place dirty towels in red BIOHAZARD bag, remove gloves and place in the same bag. Tie bag to close.
8. Wash hands.
9. Place red bag in red bin in the utility room opposite nurse's station or other designated area.

**N.B. DOUBLE BAG ONLY IF FIRST BAG IS SOILED ON OUTSIDE.**

## APPENDIX 2

### MANAGEMENT OF EXPOSURE TO BLOOD, BODY FLUIDS, AND SHARPS

For the protection of all members and employees, all above-mentioned exposures will be treated in a consistent manner. It will be the member or employee's responsibility to report the exposure as soon after the incident as possible.

#### PROCEDURE:

- A. Immediately upon exposure, the employee will render first aid as follows: Wash well with soap and hot water. Allow sticks and cuts to bleed. Ocular exposures must be rinsed with copious amounts of water. Apply betadine to any cuts or punctures.
- B. Complete an incident report. Be as specific to detail as possible. Include the patient's name and the name of the ER physician. Report the incident to your supervisor as soon as possible in accordance with **Appendix 3**.
- C. Specific protocols re: HIV and Hepatitis will be followed. PAC's HIV protocol is listed in **Appendix 2**, and PAC follows the BMMH protocol for HBV exposure. A copy of that protocol is included as **Appendix 5**.



### APPENDIX 3

#### STEPS TO FOLLOW IF AN ACCIDENTAL EXPOSURE OCCURS

##### HIV PROTOCOL

1. Affected employee must notify the Emergency Room doctor on duty as well as the ER nurse of the exposure.
2. The ER physician discusses the exposure with the patient and obtains informed consent (consent form “Accidental Exposure” signed by the patient or responsibility party). PAC will pay for all testing. There will be no charge to the patient.
3. ER nurse calls the BMMH lab requesting the HIV draw, citing the incident. This order is verbal only and **NOT** reflected in the medical record.
4. Lab brings “kit” for HIV testing.
5. ER nurse completes State form with needed data.
6. ER nurse writes State ID # on top of signed consent form.
7. ER nurse gives form to Lab tech.
8. ER nurse sends consent form to BMMH Employee Health Office.
9. Lab obtains blood, labels with State ID # and refers to Public Health Lab per protocol.
10. When the results come back from the State, the Lab sends original to physician’s office and retains a copy for lab file.
11. The physician’s office notifies patient’s physician of result and sends a copy of result to him. A copy is **NOT** placed in the patient’s medical record. Source patient’s physician shall handle notification and counseling of that patient.
12. Notification and counseling of the affected employee is handled by the physician’s office as per agreement in effect at the time.
13. If informed consent cannot be obtained, the employee will be evaluated as though the patient was known to be HIV positive.

## APPENDIX 4

### HAND WASHING PROCEDURE

**Purpose:** To ensure employee and member safety against blood borne pathogens and pathogens present in other bodily fluids by means of effective, proper and consistent hand washing techniques.

Hand washing is the most important infection control procedure.

All members will wash their hands:

- After removing personal protective equipment;
- After each patient contact;
- After handling potentially infectious materials;
- After cleaning or decontaminating equipment;
- After using the bathroom
- Before eating;
- Before and after handling or preparing food.

**Equipment:**

- A. Choose hand washing facilities that are as close to the patient care area as possible. Use only sinks intended for hand washing (i.e. not housekeeping, dirty utility or food preparation sinks). Use waterless hand washing gel in the field when necessary, but follow this with a proper soap and water wash immediately upon return to quarters or the hospital.
- B. Plain soap should be used for hand washing unless otherwise indicated. If bar soap is used, it should be kept on a rack that allows drainage of water. Liquid soap is preferable and used in most hospitals.
- C. Anti-microbial hand washes should be used prior to caring for newborns or assisting in delivery of a newborn. Betadine soap is one such agent. Such soaps should also be used when caring for severely immunocompromised patients (if such a status is known). In addition, such hand washes should be used if an attendant needs to wash his/her hands at a patient's home prior to delivering a newborn, for instance, where standard housekeeping practices cannot be guaranteed.

## APPENDIX 4

### Procedure:

- A. For routine hand washing, a vigorous rubbing together of all surfaces of lathered hands for at least ten (10) seconds, followed by thorough rinsing under a stream of warm to hot water is recommended.
- B. Use appropriate hand washing products as listed above.
- C. Dry hands with a clean paper towel. Do not use cloth towels.
- D. Turn off faucet with paper towel to prevent contamination of clean hands. Also use paper towel to turn doorknobs if necessary so that hands don't become contaminated. Throw the paper towel away in the closet trash receptacle.

## APPENDIX 5

### STEPS TO FOLLOW IF AN ACCIDENTAL EXPOSURE OCCURS

#### HEPATITIS B PROTOCOL

This protocol is similar to that in **Appendix 3** with two exceptions. First, the patient will usually know his or her HBV status and any occurrence of Hepatitis in the patient's past is a matter of medical record. Second, the exposed worker knows whether or not he or she has been vaccinated against HBV, and should know their serologic status by means of follow-up testing. In any case, the steps to follow are listed below:

1. Affected employee must notify the Emergency Room doctor on duty as well as the ER nurse of the exposure.
2. The ER physician discusses the exposure with the patient and obtains informed consent as per HIV protocols (**Appendix 3**) and also collects history from the patient to determine patient's HBV status. If an accurate determination cannot be made through the interview or patient history and/or informed consent cannot be obtained, the process continues as if the patient is known to be infectious.
3. The exposed worker cleans the site of exposure with warm water and anti-microbial soap, and documents all details of the exposure on the exposure documentation form. This form is filed at the PAC office, and a copy given to the exposed worker.
4. As soon as possible after the exposure, the worker reports to the physician's office with a copy of the exposure documentation form and receives a prophylactic injection for HBV. This may not be necessary if the worker's serologic status is known to be positive for HBV antibodies; however, final determination should be made through clinical examination and testing as the efficacy of the HBV vaccine is not yet fully understood.
5. Copies of HBV test results will be filed in the PAC office and a report made in the OSHA 200 log. All test results remain confidential. PAC pays the cost of all testing and consultation.

## POST EXPOSURE EVALUATION AND FOLLOW-UP

\*\*\*\*\*

**IMMEDIATELY** after an exposure has been sustained by an employee, the employee is evaluated by a physician as to type of exposure occurred and type of immediate care employee may require.

We then look to what was the cause of the incident and if possible correct the problems so other employees will not be exposed also.

The Common Designee investigates every exposure incident that occurs at our facility. This investigation is initiated within twenty-four hours after the incident.

**Post Exposure Evaluation and Follow-up continued .....**

.....

We look at the following:

- When the incident occurred.
- Location where incident occurred.
- Type of infectious material involved.
- Source of material.
- Type of work being done when incident occurred.
- How incident occurred.
- Was any unusual circumstances involved.
- Was P.P.E. being utilized at time.
- Actions taken as result of incident.

When we have gathered this information it is evaluated and a written summary of the incident and its causes and recommendations are made to help prevent future incidents of a similar nature.

We also use our Blood Borne Pathogen Exposure INVESTIGATION Form.

If any employee has been exposed to Blood/Body Fluid Pathogens, our facility has a Post Exposure Policy that all employees are familiar with.

We will use a post exposure **CHECKLIST** to verify that all steps have been taken correctly and in a timely manner. This process was implemented on or before July 6, 1992, and it is overseen by the Commissioner's Office.

## POST EXPOSURE FOLLOW-UP

Information involved in the post exposure and follow-up process is classified as **CONFIDENTIAL** in order to protect the privacy of the people involved.

**APPENDIX 5**

We will provide the exposed employee with documentation regarding the exposure incident which shall include the following:

Documentation of ROUTE(S) of exposure and circumstances under which the exposure occurred.

Identification and documentation of source individual if known.

Results of the source individual’s H.B.V. and H.I.V. status. (Employee will be informed about the **CONFIDENTIALITY LAW**.)

Dates when employee’s blood sample was DRAWN for baseline H.I.V. antibody testing AFTER the employee has been counseled about H.I.V. testing AND LEGAL CONSENT obtained.

Date when it was SENT for testing.

(Employee can choose to wait for up to NINETY DAYS before consenting to have their blood TESTED for (baseline) H.I.V. antibodies in which case the previously drawn blood sample must be PRESERVED and sent for test as soon as possible when the employee agrees to test, AFTER the employee has been recounseled and LEGAL CONSENT has been obtained.)

Name of Physician that evaluated employee post exposure.

**NOTE:**

If post exposure prophylaxis was medically indicated or it was recommended by the U.S. Public Health Service, we will provide the employee with documentation of type of prophylaxis used (such as Medications, Wound Care, Counseling or evaluation of a reported illness related to exposure.)

Date of any follow-up appointment with a physician.

**Information Provided to the PHYSICIAN Evaluating Exposed Employee**

\*\*\*\*\*

Exposed Employee’s relevant medical records.

Copy of the Blood Borne Pathogens Standard.

A description of the exposure incident.

Other Pertinent information.

**APPENDIX 5**

**The Evaluating Physician's Written Opinion**

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The Evaluating Physician's Written Opinion is furnished to this facility

This written opinion will contain **only** the following:

Hepatitis B vaccination was indicated?      Yes/No

Was Hepatitis B Vaccine given?              Yes/No

Conformation that the employee has been informed of the results of the  
evaluation.

Conformation that the employee has been made aware of any medical  
conditions that require further evaluation and treatment as a result of exposure  
incident.

**NO OTHER DIAGNOSIS OF FINDINGS ARE TO BE INCLUDED IN THIS  
WRITTEN REPORT.**

**We will provide our employee with a copy of this report.**

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## **ADMINISTRATIVE POLICY REGARDING DEPARTMENT CAMP USE**

The Department maintains camps across the state to support the execution of its fish and wildlife, law enforcement and management programs. Presence of Department personnel at these camps on a frequent basis is fundamental to the overall upkeep of the property and often provides a service to members of the general public who are recreating in remote parts of the State. In support of the aforementioned, the use of all Department camps will be in accordance with the following policy:

1. The appropriate Warden Division Lieutenant shall be designated as the person in charge for Department camps established for law enforcement purposes. The appropriate regional resource management biologist shall be designated as the person in charge for Department camps established for resource management purposes.
2. Official Department business will have priority over all other use of Department camps. Non-official use of a camp is permitted to provide care and upkeep of the property and to provide a presence of Department personnel in remote areas of the State as an aid to the public. Non-official use shall be limited to seven (7) consecutive days unless prior approval is obtained from the Commissioner.
3. A Department employee, either currently employed or retired, shall make requests for camp use to the person in charge. The person reserving the camp will be liable for any non-Department persons using the camp. Non-Department personnel who wish to use a camp without the presence of a Department Employee must obtain permission from the Commissioner.
4. Camps shall be identified as Department property and the grounds, exterior and interior of each facility shall be maintained in a safe, clean and weather tight condition. Maintenance is the responsibility of the person in charge.
5. An individual using Department camps is expected to provide routine maintenance and shall leave the camp in the same or better condition than it was found. They should be left clean with all garbage properly disposed of, firewood replaced, sink spout traps drained, and so forth. The person in charge shall maintain a list of routine maintenance requirements for each camp and shall arrange for supplies to complete the tasks.
6. The person in charge will post special instructions in each camp. Instructions will range from operation of the gas refrigerator to where to cut firewood.
7. The person in charge shall decide the capacity of that camp and maintain an inventory of basic supplies that supports that capacity. A detailed inventory shall be posted in the camp, at the regional headquarters, and at the main office in Augusta. No equipment



shall be moved or transferred from that camp unless it is an emergency or authorized by the person in charge.

8. A camp register shall be maintained and all persons using the camp should sign their name, arrival date, and departure date. Anyone noting destruction or loss should report it to the person in charge. All Department personnel should check camp registers for irregularities.
9. The Commissioner alone has the authority to acquire, transfer, move or dispose of Department camps.
10. All new structures or renovations of Department camps should conform to environmental laws.
11. Violators of this policy shall be reported to that individual's superior and the individual responsible for the camp where the violation occurred. The Department employee who reserved the camp may be billed for any damages that occur during a stay at the camp.

E1.2

**ADMINISTRATIVE POLICY REGARDING VISITORS AT REGIONAL  
HEADQUARTERS**

Regional Headquarters will be open to the public from 8:00 a.m. to 5:00 p.m. Monday through Friday. Restrooms will not be accessible to the public.

## E1.3

### ADMINISTRATIVE POLICY REGARDING VISITORS AT STATE FISH HATCHERIES

To provide opportunity for the public to visit state fish hatcheries and rearing stations, to ensure the safety of visitors and to protect the fish being raised, the following guidelines are established:

#### 1. Visiting Hours

State fish hatcheries and rearing stations shall be open from 8:00 a.m. to 4:00 p.m. daily from April to November 30. No visitors are allowed at other times unless accompanied by a hatchery employee.

#### *Exceptions:*

DRY MILLS HATCHERY – Visiting hours are 10:00 am to 4:00 pm, the same as the Maine Wildlife Park.

GRAND LAKE STREAM HATCHERY – Visiting hours are 8:00 am to 4:00 pm, but fishermen are allowed to park their vehicles and walk through the hatchery grounds during the period from one hour before sunrise until one hour after sunset in order to fish the river as provided by special rule.

PHILLIPS HATCHERY – Open to visitors only by appointment.

#### 2. Restricted Areas

Hatchery rooms containing troughs/tanks, covered/enclosed raceways and specified areas at some facilities shall not be accessible to the public. Restricted areas shall be posted.

#### 3. Supervision

Children under 14 years of age shall be accompanied by adult supervisors. Properly supervised groups of children may be taken into restricted areas by a hatchery employee if prior arrangements for a tour is made.

#### 4. Fishing

Except as otherwise provided by special rule, all waters within 200 feet of any fish hatchery or rearing station are closed to fishing under Section 7553, Title 12 MRSA. This law may be interpreted to include the entire hatchery property. However, past practice at various hatcheries have established lines of demarcation below and

sometimes above the hatchery facilities. These lines of demarcation shall be clearly designated and posted.

5. Motor Vehicles

The operation of any motor driven vehicle within the boundaries of hatchery property is prohibited except on the entrance road and in designated parking areas; some roads may be posted as closed.

6. Pets

No dogs or other pets will be allowed outside of the vehicle at the hatchery.

7. Liquor

No intoxicating beverages or drugs may be brought into, sold, or consumed on hatchery property. Persons apparently under the influence of either alcohol or drugs may be asked to leave.

8. Access

Keys/combinations to gates, buildings, and restricted areas shall not be given to anyone other than hatchery personnel. Temporary combinations may be utilized to provide access to other Department, seasonal, or service personnel when essential. Lock combinations should not be obvious, such as telephone numbers, and should be changed periodically.

## **DEPARTMENT POLICY CONCERNING SMOKING IN AND AROUND DEPARTMENT OFFICES AND VEHICLES**

It is the desire of the Department of Inland Fisheries & Wildlife to provide its employees, members of the public and constituents, and all users of services provided by our offices, with a smoke free environment in which to work and visit. Therefore, consistent with the existing policies affecting other facilities of the State of Maine, it shall be the policy of the Department of Inland Fisheries & Wildlife that smoking, or using another substance emitting product, is prohibited in and around any Department office building. Smoking products shall include, but not be limited to: using a lighted cigarette, cigar, pipe or other product emitting tobacco smoke, nicotine, or non-nicotine vapor, chew, snuff and electronic cigarettes.

### **DEPARTMENT OFFICES**

Smoking will not be permitted within a 50 foot perimeter surrounding any Inland Fisheries & Wildlife building. Smoking is allowed in personal vehicles or in any designated area.

Building managers will establish appropriate smoke free perimeters around each Department office building. The intent of the perimeter is to allow smoke free passage to and from each office and to prevent in inflow of smoke into any building through doors, windows and/or ventilation systems.

### **VEHICLES**

Vehicle is defined as any type of automobile, car, truck, van, heavy equipment vehicle, construction vehicle, farm equipment, boat, airplane, golf cart, snowmobile or ATV.

Smoking products are not permitted by employees or their passengers while driving or riding in the following classification of vehicles:

1. Agency vehicles. Smoking products are prohibited in agency vehicles that are considered “pool” vehicles, or vehicles not permanently assigned to one individual.
2. Vehicles assigned to one employee.
3. Vehicles leased or rented by CFM.
4. Private vehicles. Smoking products are prohibited in private vehicles transporting employees other than the owner of the vehicle when the owner is being reimbursed for mileage.

This policy shall be enforced first by the counseling of any employee who violates the policy, followed by progressive discipline consistent with the terms of the collective bargaining agreement.

## **ADMINISTRATIVE POLICY REGARDING ALL-TERRAIN VEHICLE (ATV) USE ON WILDLIFE MANAGEMENT AREAS AND OTHER DEPARTMENT PROPERTIES**

The Maine Department of Inland Fisheries and Wildlife is charged by statute to manage Wildlife Management Areas for the benefit of the wildlife resources present on them. Many of these same properties provide areas where Maine's residents and visitors can enjoy the traditional recreational past times of canoeing, hiking, hunting, fishing, and trapping. At the same time, all-terrain vehicles properly used can assist sportsmen in accessing Department lands and enjoying these pursuits. However, unregulated ATV activity throughout these properties, many of which include wetlands, is incompatible with the very purpose for which they were acquired and are managed. In an effort to provide for ATV use consistent with Department mandates, the following guidelines are adopted:

### **A. Wildlife Management Areas**

1. Recreational use of All-Terrain Vehicles (ATVs) shall be allowed on gravel roads designated for such use by the regional wildlife biologists. All gravel roads shall be so designated, except those located on Wildlife Management Areas (WMAs) that are surrounded by privately owned lands over which the transportation of ATVs is prohibited, or those deemed unsuitable for ATV use by regional wildlife biologists due to environmental or safety concerns or incompatibility with other issues. All roads, including gravel roads that are closed by gates, barriers, or other devices are closed to all motorized vehicles including ATVs unless posted otherwise. Gravel roads located in areas allocated for Ecological Reserves shall be designated only when the road is open for use by all public vehicles or meets the three criteria listed under A-2 of this administrative policy.
2. Off-road ATV use shall be allowed only on trails designated for such use by the regional wildlife biologist. For purposes of this policy, off road use is defined as any use that does not occur on gravel roads that are maintained on a regular basis for use by motor vehicles. Designation of ATV trails shall be considered during the wildlife management area planning process or upon request. Needs for seasonal closures to protect these trails from damage shall also be considered at this time. Designated trails may be allowed in areas allocated for Ecological Reserves when all of the following criteria are met:
  - No feasible alternative exists;
  - No impact on protected or significant resource values will occur; and
  - The designated trail will provide a crucial line in a significant trail system.

3. The following criteria shall be considered when establishing trails:
  - Environmental and wildlife impacts;
  - Impacts on existing or planned wildlife management activities;
  - Impacts to essential or significant habitats;
  - Documented need and demand for use;
  - Compatibility with other regulated uses such as hunting, fishing, and trapping;
  - Seasonal closures needed to protect roads, trails, and wetlands, and other wildlife resources deemed significant by the regional wildlife biologist;
  - Safety;
  - Local ordinances or deed restrictions;
  - Trail maintenance issues;
  - Enforcement issues; and
  - Viability of a local cooperating ATV Club to develop and maintain trail.
4. Information on designated ATV trails on Inland Fisheries and Wildlife properties shall be available at Department regional offices, the Augusta Information Center, and incorporated into the Department web site under the appropriate WMA as soon as possible. Seasonal trail closure information for these trails should also be provided at these locations.
5. Designated trails shall be clearly marked using standard signs available through the Department of Conservation.
6. Regional wildlife biologists may enter into agreements with organized clubs to establish and maintain ATV trails on WMAs when the above criteria has been met and it is in the Department's interest to do so. These agreements should be for a specific period of time, not to exceed the WMA planning period; clearly outline club responsibilities for permitting and funding of trail work; and be reviewed for compliance as a condition of renewal.
7. Regional wildlife biologists may provide ATV use permits for areas outside of designated trails to individuals with special or unique access needs; including, but not limited to, disabled individuals. These permits should be for an individual, a specific time period (for example: specific hunting, trapping or fishing seasons), and be issued to address the access needs of that individual. The regional wildlife biologist must ensure that issuing the permit is compatible with the spirit of the criteria outlined in A-3 of this administrative policy.
8. Department employees or Inland Fisheries and Wildlife contractors, in the performance of their regular enforcement or management activities, may use ATVs on WMAs outside of designated trails.

B. Fish Hatcheries and Rearing Stations

1. Lands that impact water quality at Department owned hatcheries and rearing stations are closed to public ATV use in order to safeguard fish health and provide necessary security. Department employees or Inland Fisheries and Wildlife contractors, in the performance of their regular activities, may use ATVs.



E 1.6

**ADMINISTRATIVE POLICY REGARDING SMOKING INSIDE  
DEPARTMENT-PROVIDED HOUSING**

**The Department of Inland Fisheries and Wildlife maintains over twenty residential housing units, and provides housing to employees when 1) other housing is not available in the area or 2) on site supervision/security is necessary to protect state property.**

Since smoking inside these structures may necessitate professional cleaning services between occupants, may increase the risk of fire, or, in the case of duplex housing, may infiltrate the adjoining unit, it shall be the policy of the Department of Inland Fisheries and Wildlife to prohibit smoking inside all residential housing units.

While the Department has no intention of intruding into the private lives of our employees, it does retain the right and responsibility to expect employees to respect Department property as well as the health and well-being of other occupants.

Smoking products shall include, but not be limited to: using a lighted cigarette, cigar, pipe or other product emitting tobacco smoke, nicotine, or non-nicotine vapor, chew, snuff and electronic cigarettes.

This policy shall be enforced first by the counseling of any employee who violates the policy, followed by progressive discipline consistent with the terms of the collective bargaining agreement.

Effective May 18, 2009

## E1.7

### REGIONAL HEADQUARTER FACILITY BUILDING OPERATIONS POLICY

The Maine Department of Inland Fisheries & Wildlife has eight (8) regional headquarters and one main office located in Augusta:

Region A	Gray*
Region B	Sidney
Region C	Jonesboro**
Region D	Strong
Region E	Greenville*
Region F	Enfield
Region G	Ashland*
WRAS	Bangor** (Fish & Wildlife Building)
Main office	Augusta

\* Regions with Warden Service operations

\*\* Regions shared with Marine Resources

The following policy is to provide guidelines concerning the use, maintenance and operations of these facilities. These policies must be adhered to unless otherwise approved in writing by the Commissioner or his designee.

#### COMMON AREAS

##### Receptionist

- Maine Warden Service receptionists are located in Regions A, B, E, G for the public to access. The main office in Augusta is staffed full-time with a receptionist at the front entrance and other locations as appropriate. The Bangor office is staffed with secretaries for public access as well. All other regional facilities are not staffed with receptionists/secretaries.

##### Conference Rooms

- Conference rooms are available for scheduling.
- When scheduling meetings, please remember our facilities are not open to the public until 8:00 a.m. If your meeting is scheduled before this time, you must make arrangements to greet and escort all guests to your prospective meeting after they have signed in.
- Please schedule only the time you actually need. Please do not schedule all day unless using the room all day.
- If you need to cancel a meeting, call the conference room contact or delete from the conference room's calendar as soon as possible.

- Conference rooms will be shared throughout the building. They will be centrally managed and reserved by the receptionist at facilities where there is one or through the building manager. All employees will have access to view the schedule of the conference rooms. To make reservations, contact the appropriate regional receptionist or building manager.
- Furniture in the conference rooms is pre-arranged. If your meeting requires a different arrangement, please make appropriate arrangements prior to the meeting.
- Each shared conference room will be equipped with a phone. Conference rooms will be equipped with tables, chairs, a covered white board with a pull down screen, and credenza.
- Audio/visual equipment may be available through the Information & Education Division at the Augusta headquarters. Contact 287-5244 for availability.
- Please leave the room clean and orderly.
- Any equipment brought in should be removed and returned.
- The Engineering Division will provide an evacuation plan for these areas.

#### Showers

- There are shower rooms located at the main headquarters in Augusta, Regions A, B, C, E, F, G, and WRAS at the DEP building.
- The rooms will be locked. The key can be checked out as designated by the building manager.
- No accessories will be provided for storage of clothes while showering or exercising.
- No valuables should be left unattended in the shower room. Any valuables left are the individual's responsibility and the Department will not be held responsible for any articles lost, stolen or damaged.
- Showers are available for State employees exclusively.

#### Storage

- The doors into the storage areas will be locked and the key will be held by building personnel. Only people that are required to have access will be able to have a key. Once inside, each division will have their own key to their storage room controlled by the division only.
- No employee will have their office space in the basement.
- Storage areas are to be limited access and should not be used primarily for storage that requires access more than an average of once a day.
- No fuel is to be stored in any headquarters facility.
- Critical records storage is located in a vault at the Jonesboro headquarters facility. Access to the vault is restricted to authorized employees. Please contact the Director of Engineering & Realty for access. This area is intended to remain secure at all times.

#### Supply Rooms

- The supply rooms will be equipped with a locking supply cabinet and one open shelving unit for each agency sharing the room. The supply rooms are shared as follows: Regions A, B, C, D, E, F, G and WRAS.

#### Temperature Control

- The Department of Inland Fisheries & Wildlife facilities will follow the temperature guidelines provided by the Department of Administrative & Financial Services titled

Policy on the Maintenance of Temperatures in State Employee Occupied Facilities which can be found on their website, [http://www.maine.gov/bhr/rules\\_policies/policy.htm](http://www.maine.gov/bhr/rules_policies/policy.htm).

## **FOOD & BEVERAGES**

### Vending Machines

- Vending Machines are located on the 1<sup>st</sup> floor where in use.

### Break Rooms

- There are break rooms which will be shared by divisions.
- Each break room will be equipped with the following equipment: refrigerator, microwave, table and chairs, cabinets. The water supply for the building has been supplemented where necessary to provide potable drinking water to occupants.
- Personal refrigerators are not allowed.
- A coffee machine is provided in each break room.
- Other appliances are prohibited to eliminate an overloading of the circuits, which can pose a fire hazard and can cause indoor air quality issues.
- An exception to no appliance in the break rooms is for special occasions such as agency parties; in that case the appliance (e.g. a crock pot) can be brought in for the day but must be removed at the end of the day.
- The employees using the refrigerators will clean the refrigerators out every Friday. It is suggested that items be labeled with a name and the date it is placed in the refrigerator. Please be considerate of other staff that is using the refrigerators by limiting the quantity of food you store to ensure adequate room for everyone. Staff will dispose of all perishable items on Friday if left in the refrigerator.

### Food in Work Areas

- There will not be any microwaves, coffeepots or other appliance in the work areas or individual workstations.
- Employees can eat at their workstation and are responsible for cleaning up after themselves.
- All waste must be disposed of properly.

## **DECORATING**

### Artwork

- In order to have an item hung on a fixed wall approval must be granted by the building manager. If it is necessary for the fastener to penetrate the wall covering (e.g. sheet rock) contact engineering personnel and they will hang items using the appropriate fasteners at the appropriate locations after checking for utilities.
- Please do not hang anything on common area walls.
- Offices can decorate their common area for holidays. Decorations can be put up two weeks prior to the holiday and must be removed within two business days following the holiday. Please no live trees or wreaths.
- No tape on walls. Staff will remove anything hung with tape.
- Bulletin boards will be located in the break rooms or other designated areas for postings.
- Workstations – nothing should show over the workstation walls. E.g., no placement of items on the edge of panels or on top of shelving units.

- Other decorations – Birthday parties, retirement, etc. The person scheduling the special occasion will be the person responsible for cleaning the area afterwards.

#### Plants

- Live plants are not allowed within the building. Live plants are known to cause indoor air quality issues, allergies, and insect infestation.
- Delivered plants and flowers should be taken home at the end of the day.
- Artificial plants are acceptable providing that they are within the workstation and conform to other sections of this manual regarding decorating.

#### Pets

- Only those animals certified to assist people with disabilities; MCJA or MWS certified law enforcement or MASAR certified search and rescue K-9's are allowed in the building.

### **CLEANING & RECYCLING**

#### Cleaning

- Each regional headquarters building manager will consult with the Director of Engineering and/or his staff, who in turn will work with the Bureau of Purchases in the contracting of cleaning services as each facility is different. Specifics will be outlined for each facility in Rider A of the State of Maine, Agreement to Purchase Services (BP54). Every Rider A will have a clause to require background checks for any individual who will be entering the facility. All personnel are subject to approval by the Maine Warden Service Major and the Director of Engineering & Realty. The majority of custodial services in the regional headquarter buildings will be provided during unoccupied hours.

#### Recycling

- Recycling contracts will be put out to bid according to Bureau of Purchases rules. Each building manager will work with the Director of Engineering and/or his staff to outline the specifics.
- Each headquarter facility will recycle all paper (brown paper, magazines, computer paper, cardboard, index cards, laser printer paper, manila file folders, NCR paper, photocopy paper, post-it notes, white and colored paper). Non-recyclables (coated paper, express mail envelopes, food products and packaging, beverage products and cups, hanging file folders, paper pad backings, metal ring binders, paper plates, cups, towels, pressure sensitive labels, rubber bands, tissues, napkins, wax paper, Tyvek envelopes, gum and gum wrappers, candy and candy wrappers) will be placed in the proper trash container. Magazines, newspapers, blue prints, and phone books are to be placed in the designated recycling bins.

### **DELIVERIES**

#### Loading Location

- A phone number will be located at the loading location with a phone directory of receptionists. It is the responsibility of each division to notify their receptionist if they are expecting a delivery. The receiving division is responsible to meet the carrier and allow access.

## **OPEN OFFICE COURTESY**

In an open office environment it is especially important to respect the privacy of others. A few simple acts can make life more comfortable for everyone.

- Do not wander through other departments/divisions/bureaus without a purpose.
- Keep your voice low and try to keep conversations with others away from people's workstations.
- Hold meetings in designated meeting rooms.
- People may have varying degrees of sensitivity to external elements in the air. Please be conscientious and considerate of your workmates when using cleaners, perfumes, air fresheners and similar products.
- Lock-up your confidential documents at night and take valuables with you.

## **FURNITURE/SIGNAGE**

### Furniture

- In order to maintain the aesthetic integrity of the building, standards have been set for the furniture that will be used in the building. The building manager will act as the furniture coordinator that will manage all requests.
- Common area furniture, including lobbies, conference rooms and filing cabinets except in the basement and hard walled offices, are the property of the department and belong to the building. If after a move, the division/bureau requests a change or addition it will be done through a process that assures compatible furniture is purchased. Changes will be paid for by the division/bureau after the move; however they will be come part of the building and will remain with the building if the division/bureau should leave.

### Workstation Adjustments/Ergonomic Evaluations

- Trained individuals will do employee Ergonomic Evaluations. Please contact your supervisor first who will then send the request for an evaluation to the personnel office of the Natural Resource Service Center.
- Work station adjustments are assigned by the Director of Employee Health and Wellness with modifications being part of the evaluation and sent to the appropriate individuals for adjustments or supplies.

### Signs

- Building signs will be ordered through Kelly Colby or Ron Taylor at the Augusta headquarters at 287-5210.
- Bulletin Boards – Please keep all bulletin boards organized and current.

### Windows

- The conference rooms, and some offices, have windows that open. It is the responsibility of the employees nearest to these windows to make sure they are closed at the end of the work day. Every effort should be made to utilize these windows in a manner that respects the employees comfort levels within the respective areas. On hot and humid days, please keep windows closed where AC is in use.

### Material in Aisles

- For safety reasons, all aisles must be kept clear of materials including coat trees, individual file cabinets, boxes, etc.

## **LIGHTING**

- Task lights should be turned off by the employee at the end of the workday.
- Common area lighting on floors should be on motion sensors where possible. After hours the main lights will go off if there is no activity in the area. Activity will turn them back on.

## **BUILDING MODIFICATIONS**

- It shall be the responsibility of the agency and department heads to foster an agreement with the Bureau of General Services by means of a PIP (Public Improvement Project) through the Director of Engineering & Realty.
- Examples that would require a PIP are as follows: Installation of, or renovation to walls. Installation of additional receptacles. Periodic inspections are recommended by the building manager as a commitment to quality.
- Review and approval by the Engineering Division is required.

## **SAFETY**

### Emergency Response Manuals

- Emergency response guidelines are located at the end of this policy.

### Emergency 9-1-1

- In the event of an emergency you should dial 9 - (or the number needed to get an outside line, if applicable for your phone system) 9-1-1. This connects you directly to the local 9-1-1 dispatch center. Be prepared to say where you are and provide a description of the problem. The dispatcher will send help and the dispatcher will notify the Building Control Center where applicable (Augusta, Bangor).

### Fire Drills

- The local municipal fire department will do a pre-inspection of the facility prior to any fire drill. Fire drills will be coordinated with the fire department. People will be notified in advance in order to get accustomed to the horns, strobe lights and the exits from the building. People should be at least 100 feet away from the building after they exit the building. Everyone will be assigned a designating reporting area in order to account for all staff. Elevators will not be used during a fire drill.

### Parking

- Augusta/WRAS Bangor – Public parking spaces are adjacent to the buildings. We need to manage the spaces we have as best we can to accommodate employees and to make the complex as customer friendly as possible.
- The deficit in parking spaces occasionally occurs during business hours. At other times, there is generally sufficient parking. In Augusta, additional parking is available across King Street in the Pat's Pizza parking lot. In Bangor, additional parking is located at Heidin Hall.
- Employees should be aware that any parking plan must utilize existing space.

## **BUILDING SECURITY**

### Firearms/Dangerous Weapons

- No person, except a law enforcement officer on duty or department employee in the performance of their official duties shall carry any firearm, dangerous weapon, explosive, incendiary device or implement by which their nature are capable of being used to destroy or injure a person or property in any department headquarter facility or work area.
  - (For the purpose of this policy a “dangerous weapon” is an object or device whose primary function is to threaten, injure or destroy a person or property. It includes, but is no limited to, firearms, explosives, blackjack, nightstick, hunting or lock blade style knives, mace or chemical agents. This definition is not intended to apply to the possession or use of objects whose primary function is as a tool that is appropriate to the work area.)
  - (For the purpose of this policy a “work area” includes any office or other location in which department business is conducted. This includes buildings owned or leased by the department.)

### Employees

- The main entrances are the only public entrance to the headquarter facilities. The main entrance is open from 8:00 a.m. to 5:00 p.m. only. Employees may use the rear or side entrances.
- Uniforms should be worn by employees at all times as required by department policy B1.4, Clothing and Personal Appearance Standards.
- Stairways should be used to allow you access to the floor you work on only. There will be a sign on the 2<sup>nd</sup> floor landing stating that there is no public access to the floors above, they are for employees only.
- Regional headquarter buildings that are accessed by building control issued access badges (proximity cards), are programmed for access for all employees from 6:00 a.m. to 6:00 p.m. Monday through Friday.
- If additional access is required, the Bureau Director must request in writing access hours per employee. Administrative Services will program access to the building(s) as per written request where access badges are used.
- Access badge instruction on use and access will be provided where in use.

### Visitors

- Visitors will go to the receptionist and ask the receptionist to call the employee. The receptionist will sign the visitor in. The visitor will show a form of ID such as a driver's license to the receptionist and will be given a visitor's badge to be visibly displayed. The employee will come to the reception station and escort the visitor to the workspace. All visitors are required to be escorted while within the work areas. Visitors must sign out with the receptionist when they leave.
- The buildings are open from 8:00 a.m. to 5:00 p.m. Monday through Friday except on state observed holidays and mandated shut down days.



- The receptionist must have visitors and contractors sign-in. The contractors that sign-in with the receptionist will be people specifically called for that floor alone, for instance, the copier repair person.
- All other contractors are required to sign in with the Building Manager.

#### Working on Weekends

- Employees are totally responsible for themselves and anyone else with them on weekends. Do not permit anyone to enter the headquarters facility without proper State ID.

### **EMPLOYEE EMERGENCY GUIDELINES**

Immediate employee response to emergencies and evacuations is critical. The purpose of these guidelines is to protect employees, visitors, and property from any hazard such as fire, bomb threats, workplace violence, and other dangers that pose a threat.

Bureau/Division Directors shall ensure that all personnel are educated to perform assigned tasks required in emergency situations, and that each person is familiar with the plan. In addition, the Bureau/Division Directors shall also ensure that emergency plan changes or updates are communicated to all personnel. To assure all employees safely evacuate the building in an orderly fashion, the Department has established the following procedures that every employee must be familiar with.

*Please take the time to do the following:*

- *Locate the nearest EXIT to your area.*
- *Locate a second EXIT from your work area in case the primary EXIT is obstructed.*
- *Know YOUR emergency phone number (9, 9-1-1), for the building you are in. Remember, the number may not be the same in all State office buildings.*
- *Write down your street address and number in a prominent location.*

#### Active Shooter / Workplace Violence

How to respond when an active shooter is in your vicinity:

- Know and observe the safety phrase **RUN / HIDE / FIGHT** (Evacuate / Hide Out / Take action against the shooter)  
\* If possible verbalize threat (e.g. yell gun, knife), Dial 911
- The information that your headquarters' plan is derived from is found at: [http://www.dhs.gov/xlibrary/assets/active\\_shooter\\_booklet.pdf](http://www.dhs.gov/xlibrary/assets/active_shooter_booklet.pdf)
- Additional information may be found at: <http://www.dhs.gov/active-shooter-preparedness>

#### Evacuation Procedures (Does not apply to Active Shooter / Workplace Violence)

Evacuation drills will be conducted as needed at regular intervals, and under varied conditions. This will ensure that all employees on duty are trained to perform the assigned tasks required by an evacuation plan. This will also ensure that each person is familiar with the location and use of fire extinguishers if they are expected to use them.

- Immediately proceed calmly to the nearest emergency exit.

- If you happen to be in an elevator, the elevator will go to the nearest floor where no emergency exists, where occupants will exit the facility. The elevators automatically lock down.
- Do not return to your work location for any reason during an evacuation. Follow instructions given by emergency response personnel.
- Never carry food or beverages while evacuating the building.
- During off-hours, before 8:00 a.m. and after 5:00 p.m., you are responsible for your own safety.
- Upon exiting the building, meet in a designated safe area for your facility and await instructions from authorities.

### Fire Procedures

- Activate the nearest fire alarm
- Call the emergency number 9-(or the number needed to get an outside line, if applicable for your phone system) 9-1-1 and give the following information clearly:
  - \* Nature of the fire emergency
  - \* Exact location of the fire emergency
  - \* Extent of the fire emergency
  - \* Your name
  - \* Specify if there is a special entrance to use
  - \* Do not hang up until you are told to do so by the dispatcher or operator
- Do NOT attempt to fight the fire unless you have trained in the use of a fire extinguishers, and the fire is still small
- Once the alarm is heard, evacuate the building following the procedures outlined above in evacuation procedures.
- NEVER – under any circumstances – use an elevator to evacuate a building during a fire emergency.

### Medical & First Aid Emergencies

In the event of a *serious* injury or illness:

- Call the emergency number 9 - (or the number needed to get an outside line, if applicable for your phone system) 9-1-1, give the following information clearly:
  - \* Nature of the medical emergency
  - \* Exact location of the injured person
  - \* Your name
  - \* Stay on the phone until you are told to hang up by the dispatcher or operator
- Have another person call the receptionist, where applicable, and explain the situation
- Do NOT leave the injured person unless it is absolutely necessary
- Send someone to meet the emergency responders at the outside door of the facility to escort them to the ill or injured person

## CPR/AED (Automatic External Defibrillator)

In the event of a person needing CPR or the AED (where available):

- Have someone call the emergency number (9-1-1), give the following information clearly:
  - \* Nature of the medical emergency
  - \* Exact location of the person in need
  - \* Your name
  - \* Stay on the phone until you are told to hang up by the dispatcher or operator
- If there is an AED available in the facility, find the properly trained personnel and use it
- Do NOT leave the person in need unless it is absolutely necessary
- Send someone to meet the emergency responders at the outside door of the facility to escort them to the person in need

## Bomb Threats

In the event of a bomb threat, the person receiving the call should:

- *Stay calm*
  - \* Keep the caller on the line as long as possible
  - \* Signal to someone to call the authorities
  - \* Obtain the following information from the caller if possible:
    - *When is the bomb going to explode?*
    - *Where is it right now?*
    - *What does it look like?*
    - *What kind of bomb is it?*
    - *What will cause it to explode?*
    - *Did you place the bomb?*
    - *Why?*
    - *What is your address?*
    - *What is your name?*
- Try to write down the exact wording of the threat
- Determine if male or female and possible age
- Length of call
- Phone number at which call was received
- Date and time of the call
- Any other pertinent information you think that may be helpful, i.e. background noise.
- *Step 2*
  - \* *After the caller hangs up, report all information to 9 - (or the number needed to get an outside line, if applicable for your phone system) 9-1-1. Remember to stay calm and make sure that someone has informed management.*

*Should the decision be made to evacuate the building, all employees will leave immediately by way of the designated primary exit. Employees will move at least 500 feet away from the building to their designated areas.*

## Natural Disasters

Should any natural disaster strike while you are working (hurricanes, flooding, ice storms, etc.) please follow the steps below.

- Keep away from windows. Seek an area of safety – a closet, hallway or any room which is not an outside wall.
- If there is damage to your office (broken glass, leaking water, etc.) report it to the building manager.
- Remain in an area of safety until you receive instructions concerning the safest possible evacuation route.
- Every effort should be made during the evacuation of the building to look for hazards both on the ground and from above. Broken tree limbs and wires pose a severe threat to your safety.

## Suspicious Mail

The following is a listing of what might be considered suspicious mail:

- It is addressed to someone no longer at your address
- It is handwritten, no return address or you can't confirm that the address is legitimate
- It has a poorly typed address, incorrect titles, or just titles with no name or misspellings of common words
- It is oddly shaped, lopsided or lumpy in appearance packaging
- It is sealed with excessive amounts of tape
- It is marked with "personal" or "confidential"
- It has excessive postage
- It has a powdery substance on the outside
- It has strange odors or stains are present

If you receive mail you consider suspicious:

- Do not handle the letter or package that you suspect is suspicious
- Do not try to open the piece of mail
- Do not shake it, bump it, or sniff it
- Isolate the mail piece
- Evacuate the immediate area
- Notify appropriate supervisory personnel and law enforcement authorities
- Wash your hands thoroughly with soap and water

## Terrorism

State owned or occupied buildings can be a potential terrorist target. Response to a terrorist threat or action should be a part of each building's Emergency Response Plan. Familiarize yourself with this building's Emergency Response Plan.

Preparation is the best strategy to deal with the issue of terrorism. Preparation should be both at the organizational and individual level. The Scout motto of "Be Prepared" certainly applies here.

As an individual, you can best prepare yourself by:

- ✓ Being Knowledgeable – Fear tends to dwell where knowledge does not exist. The more knowledge you have, the more likely you will respond in an appropriate and responsible manner when faced with a terrorist threat or attack.
- ✓ Becoming Security Conscious – Familiarize yourself with the security features, policy, and procedures of your building. Be sure you always completely follow each and every security procedure. Make sure unaccompanied strangers or visitors in your work area have a legitimate reason for being there. Never short cut or by-pass security measures. Please follow any e-mail warnings about security.
- ✓ Improving Your State of Awareness – Maintain a state of constant vigilance. Be on the alert and watchful. Take more notice of what is going on around you at work.

## E1.8

### POLICY OUTLINING REGIONAL OFFICE BUILDING MANAGER DUTIES

The Maine Department of Inland Fisheries & Wildlife has eight (8) regional headquarters:

Region A, Gray\*  
Region B, Sidney  
Region C, Jonesboro\*\*  
Region D, Strong  
Region E, Greenville\*  
Region F, Enfield  
Region G, Ashland\*  
WRAS Bangor\*\*

\* Regions with Warden Service Division Operations

\*\* Regions shared with Marine Resources

All other headquarters facilities are used by the warden service on a transient basis with office space provided. No full time staff is based out of these facilities.

Each headquarters facility will have one building manager, which will be appointed by the Deputy Commissioner, who will serve a two year term. Each division (fisheries, wildlife, warden service and marine resources) will alternate division personnel to serve as building manager when a term is completed and reappointment is not sought. These building managers will report to the Director of Engineering & Realty and/or his staff on any issues or concerns related to the operations and maintenance of these facilities. There is no extra pay for performing building manager duties.

Building managers are responsible for the day-to-day operations of the building. Concerns can range from a leaking toilet to soliciting bids for ground maintenance.

The following is a list of duties included, but not limited to, for building manager:

- Contact for janitorial contract
- Contact for lawn maintenance contract
- Contact for snowplowing contract
- Monitor performance on all executed contracts
- Review/sign all utility and maintenance bills and forward to the engineering division for payment
- Address concerns raised by personnel
- Order/purchase supplies/equipment and necessary items to operate building; i.e. light bulbs, paper towels, toilet paper (unless otherwise provided in the cleaning contract)
- Consult with Director of Engineering & Realty on any needed repairs and/or improvements

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## E 1.9

### ADMINISTRATIVE POLICY REGARDING DEPARTMENT PROVIDED HOUSING

Department provided housing facilities represent a significant investment in critical assets that are an integral part of the official operations of the department. It is important, therefore, that economical and cost effective use is ensured, and that use is limited to official department or state business consistent with Title 5, §8-B, the Risk Management Division Bulletin on State Owned Housing and Insurance and the Bureau of the Budget GUIDELINES ON STATE HOUSING.

#### **Use of Department Housing Facilities.**

- A. If an employee is required to live in state-owned housing it shall be a condition of employment and included in the position description.
- B. Department housing facilities shall only be occupied by department employees, which in addition to themselves, may also include their spouse or significant other, and their minor children when used in accordance with official department business. Written permission must be obtained from the Commissioner, or designee, for other persons not referenced above, to occupy the premises.
- C. When a department housing facility is not in use, the department housing facility may be used by other department employees, or employees of other state agencies or instrumentalities of the state, as long as the use is in connection with official department business and has been pre-approved by the Commissioner or designee.

#### **Standards and Requirements for Approval of Alternative Use of Department Housing Facilities, referenced in C. Above.**

- A. Use of the department housing facility will not result in any additional liability or cost to the department;
- B. Use of the department housing facility will not conflict with any other uses by a bureau or the department;
- C. Use of the department housing facility will not cause any permanent changes to the property, unless authorized in advance by the Commissioner or designee.
- D. Use of the department housing facility will not cause any adverse effect to the condition or appearance of the property;
- E. Use of the department housing facility has been recommended for approval by the employee's supervisor, and the supervisor responsible for the department housing

facility, in advance of the request being submitted to the Commissioner, or designee, for final approval;

F. Use of the department housing facility is not for private recreational purposes; and,

G. Use of the department housing facility is not for commercial purposes or private gain.

**Liability Insurance in Connection with State Owned Housing.** Each bureau having jurisdiction and control over state owned housing must require each department employee living in state owned housing to provide evidence of liability insurance approved by the Commissioner, or designee, with a limit of liability not less than the limits contained in the Tort Claims Act (currently \$400,000). This section only applies to department employees assigned to or allowed to live in state housing under conditions in which the housing becomes the residence of the department employee subject to use over an extended period of time both on and off duty and does not apply to temporary or intermittent use of state housing by a department employee.

**Use Agreements for State Owned Housing.** Each bureau having jurisdiction and control over state owned housing must execute a use agreement which includes more specific bureau housing policy and procedures approved by the Commissioner, or designee, for department employees assigned to or allowed to live in state housing under conditions in which the housing becomes the residence of the department employee subject to use over an extended period of time both on and off duty.

**Noncompliance.** Any department employee in violation of these policies or housing use agreements may be subject to disciplinary action, including dismissal.

Enacted November 2015





## MAINE DEPARTMENT OF INLAND FISHERIES & WILDLIFE FISHERIES & HATCHERIES DIVISION HOUSING USE AGREEMENT

**1. IDENTIFICATION OF PARTIES AND PREMISES** This Agreement has been made and entered into on the date of signature between the Department of Inland Fisheries and Wildlife (herein called "DIFW") and the undersigned employee (herein called "Employee"). Subject to the terms and conditions set forth in this Agreement, DIFW supplies housing to the Employee as a condition of employment to live on site and share in weekend, holiday, and night duty with other hatchery staff to prevent vandalism and to respond to any emergencies that may arise. This special condition is a requirement which is tied to specific fish culture positions at each facility and is identified as such during the job posting and hiring process.

The housing premises are located at the address identified with the signature section below (herein called "the premises"). The premises shall be occupied only by the undersigned Employee, which in addition to themselves may also include their spouse or significant other, and their minor children when used in accordance with official department business. Written permission must be obtained from the Commissioner, or designee, for other persons to occupy the premises. The Employee shall use the premises for residential purposes only and for no other purpose without prior written consent. Occupancy by guests for more than ten days in any six-month period is also prohibited without written consent.

**2. LIABILITY** The Employee shall be liable for the full performance of each and every obligation of this Agreement, but not limited to, the payment of costs to remedy damages to the premises caused by negligence whether of the Employee or an invitee of the Employee. The Employee must provide evidence of liability insurance to be approved by the Commissioner, or designee, with a limit of liability not less than the limits contained in the Tort Claims Act (currently \$400,000). This coverage is for any personal liability of the employee or their invitees that may be incurred outside the course and scope of employment.

**3. TERM OF THE USE** The term of this Agreement shall commence on the date of signature and shall continue from that date until the Employee resigns, promotes, transfers, or otherwise leaves their position with the applicable condition of employment. The Employee and any individuals living on site must remove all personal possessions from the premises within (30) days' notice of the change in said employment. For temporary assignments see Section 8.

**4. UTILITIES** DIFW will pay directly for basic utilities excluding phone and cable television, and the Employee is fully responsible for any services and charges provided to or performed on the premises without prior consent.

**5. PETS** Pets are allowed on the premises provided they do not impact the quiet enjoyment of others or in any way cause damage to State property. It is a privilege to have pets on the premises and this privilege may be revoked by DIFW at any time should pet related issues arise. Dogs and/or other pets must be confined/leashed/penned during the open public hours of the facility. It will be the responsibility of the Employee to rectify any damage to State property caused by their pets.

**6. QUIET ENJOYMENT** The Employee shall be entitled to quiet enjoyment of the premises. The Employee shall not use the premises in such a way as to violate any law or ordinance, commit waste or nuisance, or annoy, disturb, inconvenience, or interfere with the quiet enjoyment of any other or nearby resident.

**7. NIGHT DUTY** An Employee with the condition of employment to live on site must equally share in the night duty rotation. The rotation interval is specified by the number of assigned housing units that are present at the fish culture facility. The facility must be covered at all times and night duty is to be performed on the facility grounds where the Employee is fully able to provide security to the facility and respond to any emergencies that may arise. Response to an issue at the facility shall be considered time worked only for the purpose of insurance coverage as the Employee is not eligible for any additional compensation.

**8. ASSIGNMENT AND SUBLETTING** No portion of the premises shall be sublet to other employees nor this Agreement assigned without the prior written consent of the Superintendent of Hatcheries. Should other staff members volunteer to temporarily accept State housing as a condition of employment they could be allowed to live on site in exchange for providing the necessary rotational night duty and security coverage (an additional use agreement is necessary). This can only occur as long as both the staff volunteer and Employee assigned with the original condition of employment are willing to continue it, otherwise responsibility to fulfill that obligation defaults to the Employee with the original condition. Should the Employee with the original condition of employment resign, promote, transfer, or otherwise leave their position tied to this condition, all subletting and temporary use agreements are no longer valid and the premises must be vacated.

9. **CONDITION OF THE PREMISES** The Employee agrees to:

- (i) properly use, operate and safeguard the premises and all furnishings and fixtures within the premises,
- (ii) maintain the premises in a clean, neat and sanitary condition, and upon a change in employment, surrender the premises to DIFW in the same condition as when the Employee first took occupancy less ordinary wear and tear,
- (iii) maintain the surrounding grounds in a clean and safe manner while keeping the grounds clear of debris and trimming all grass and shrubbery as necessary to effect a neat and orderly appearance to the property,
- (iv) notify DIFW upon discovery of any damages, defects or dangerous conditions in and about the premises,
- (v) reimburse DIFW for the cost of any repairs to the premises from damages caused by misuse or negligence of the Employee, as well as their pets, guests or invitees; and
- (vi) identify any existing damages below prior to occupying the premises that haven't been scheduled for repair in writing.

10. **REPAIRS, ALTERATIONS AND DAMAGES** Except as provided by law or as authorized by the Superintendent of Hatcheries, the Employee shall not make any repairs or alterations to the premises, including but not limited to, manipulation of drywall, framing, ceilings, floors, or windows within the residence and changes to grounds such as tree transplants, excavation, erecting structures, etc. outside the residence.

If the premises are damaged or destroyed as to render them uninhabitable, then either the Employee or DIFW shall have the right to terminate this Agreement as of the date on which such damage occurs, through written notice to the other party to be given within fifteen days of occurrence of such damage. However, if such damage should occur as the result of the conduct or negligence of the Employee or their guests or invitees, the Employee shall be responsible for all losses, including, but not limited to, damage and repair costs.

11. **PERMANENT STRUCTURES** No permanent structures of any kind shall be erected or moved upon the premises by the Employee without the express written permission of the Superintendent of Hatcheries.

12. **EMERGENCY ENTRY AND INSPECTION** The Employee shall make the premises available to DIFW or their agents for the purposes of inspection, making repairs or improvements, or to supply agreed services. Except in the case of an emergency DIFW shall give the Employee a reasonable notice of intent to enter of (24) hours.

13. **INSURANCE DISCLAIMER** The Employee assumes full responsibility for all personal property placed, stored or located on or about the premises. Personal property is not insured by DIFW. See Risk Management Bulletin 12: State Owned Housing and Insurance.

14. **SMOKING** Smoking is strictly prohibited inside all DIFW residential housing units. See policy E1.6 - Smoking inside Department-provided Housing.

15. **ENTIRE AGREEMENT** This document constitutes the entire Agreement between the Employee and DIFW. This Agreement cannot be modified except in writing and must be signed by all parties. The failure of the Employee or their guests or invitees to comply with any term of this Agreement could result in progressive disciplinary actions up to and/or including termination of the Agreement and employment.

16. **RECEIPT OF AGREEMENT:** The undersigned employee has read and understands this Agreement and hereby acknowledges receipt of a copy of this Use Agreement.

17. **LEAD BASED PAINT DISCLOSURE** Lead Warning Statement: Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. By initialing, the Employee acknowledges receipt of disclosure of information on lead based paint and lead-based paint hazards. DIFW has no known testing reports of lead-based paint on the premises.

Employee initial here: \_\_\_\_\_

Address of Premises: \_\_\_\_\_

Existing Damages to the Premises: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Employee Signature & Date: \_\_\_\_\_

Printed Name & Title: \_\_\_\_\_

DIFW Designee Signature & Date: \_\_\_\_\_

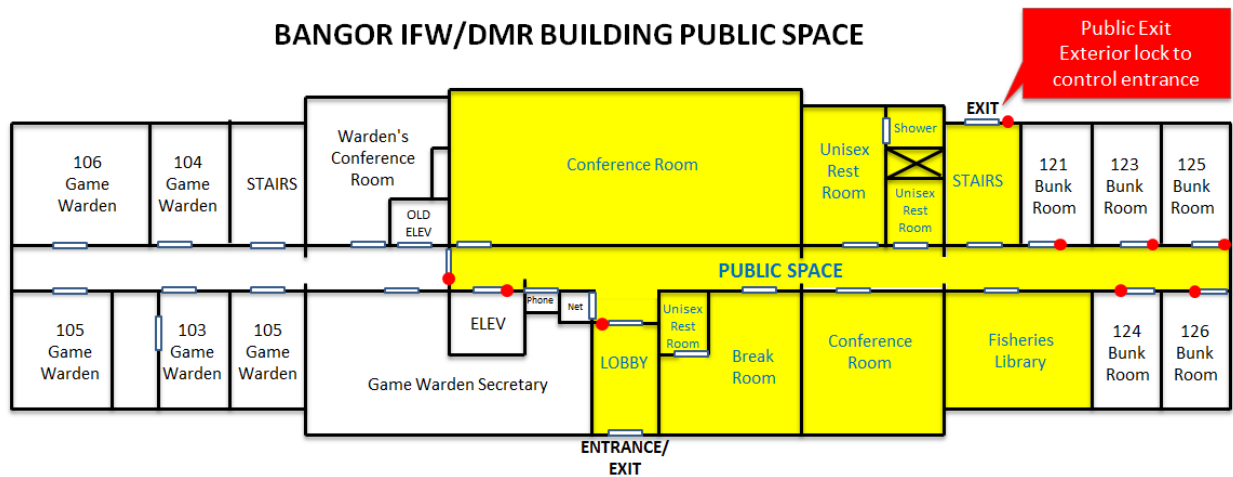
Printed Name & Title: \_\_\_\_\_

## Bangor IFW/DMR Headquarters Temporary Housing Policy Revised March 21, 2016

***This is a draft policy as some renovations (indicated in this policy) have not yet been completed.***

### **Public vs. Controlled-access Space**

The west half of the first floor of the building is public space. It includes the large and small conference rooms, unisex rest rooms, and break room. Access to the bunk rooms, elevator, Warden Service half of the first floor, the upper floors, and the basement will be controlled by electronic card locks (*some of these locks have not yet been installed*).



### **Internet Access**

WiFi hubs on the first floor provide free access to the Internet. Coverage should include the conference rooms, break room, and bunk rooms. This service comes through the state of Maine network so WiFi users are subject to the *Department Policy on Information and Technology Equipment Usage* that applies to any computer on the state system. WiFi users should not be streaming entertainment content during regular business hours and any content streamed outside of regular business hours still needs to conform to policies for appropriate use of the state network.

### **Bunk Rooms**

*Use of the building bunk rooms is a privilege, not a right, granted at the discretion of the Department Commissioners. Regardless of any agreement made as part of an employment contract or otherwise, failure by an occupant to follow bunk room/facility policies may result in this privilege being permanently revoked.*

- **Allocation:**

- Rooms 121, 123, 124, 125 – contract staff long-term lodging
- Rooms 126 – state of Maine permanent staff temporary lodging

“Long-term” means continuous or intermittent occupancy for up to three months. Use of a “long-term” bunk room by a project staff individual for more than three months must be approved by the occupant’s supervisor.

“Short term” means less than one week. Use of a “short-term” bunk room by permanent state staff for more than one week must be approved by the occupant’s supervisor.

Bunk room space may be temporarily reallocated as needed with prior approval from the affected Department/Bureau/Group and the Building Manager.

- **Authorized Occupants:**

- Permanent state of Maine employees
- Contracted, limited-term, project staff: The contracts for these staff should specify that bunk room lodging is part of their compensation and the occupant must complete a background security check prior to occupancy.
- For security reasons, no unauthorized occupants can be allowed to lodge in these bunk rooms.

- **Maximum Occupant Capacity**

- Most rooms are equipped with a bunk bed to allow two occupants each. Maximum bunk room capacity, therefore, is 10 occupants.
  - It is the responsibility of the occupants and their supervisors to ensure that the level of occupancy does not negatively affect the daily use of these facilities as an office building by permanent staff.
  - The maximum occupancy of a single bunk room at any time is two people.
  - Separate bunk rooms will be assigned for men and women.
  - No one is allowed to lodge anywhere else in the building besides the bunk rooms.
- Each bunk room door will have an electronic card lock that can be opened with a state building access card programmed for that door *(these locks have not been installed yet)*.
  - Custodial staff will not have access to occupied bunk rooms. The cleanliness of occupied rooms, therefore, will be the responsibility of the occupant(s).
  - Bunk room occupants are prohibited from providing unauthorized people (i.e., anyone without a state of Maine building access card programmed for this facility) with entry into the building during non-business hours.
  - Pets are not allowed in the building.

- Smoking is not allowed in or around the building.
- Cooking is not allowed in the bunk rooms.
- Each bunk room bed has a mattress but no bedding; occupants will need to provide their own bedding.
- Occupants are expected to keep their bunk rooms clean at all times. Please be conscious of not tracking in dirt/mud (or cleaning it up right away) and not leaving wet/dirty clothing or bedding in a closed room where it will create an odor or mold/mildew problem. Cleaning supplies are located in the break room. Please let your supervisor or the Building Manager know if additional supplies are needed.
- Access to the bunk rooms, break room, rest rooms, and shower is through public space that is used by other staff and the public during regular business hours and occasionally outside regular business hours and on the weekends. This is first and foremost a working, public office building. Please be considerate, respectful, and discrete. Please clean up after yourself and do not store personal items in the common rooms.
- Bunk room occupants should not be anywhere other than the first floor of the building (i.e., outside the “public space”) outside of regular work hours unless specifically authorized to do work related to their contracted position.
- Bunk rooms being used intermittently such as by crews that regularly alternate between field housing and the bunk room need to be left ready for occupancy by someone else when the intermittent occupant is out in the field. Personal belongings may be left in the bunk room if it is impractical to take them but should be stored out of the way of any other potential occupants. The Department will not be responsible for lost or stolen personal items left by individuals using the bunk rooms.
- When checking out of a bunkroom, the occupant is expected to leave it completely clean with the door open and to notify the Building Manager.

### **Break Room**

The Break Room is common space shared among state employees, the public, and bunk room occupants. This is a great potential benefit to everyone using the building; please be considerate of others.

- Cookware, dishes, utensils, etc. belong to everyone. After each use they need to be cleaned, dried, and returned to their proper storage space. If you have personal items that you do not intend to share, do not leave them in the Break Room.
- The Break Room refrigerator is for both permanent staff and bunk room occupants; please be considerate with your use of the space in it. There is an additional refrigerator/freezer in the old break room in the basement. Separate refrigerator(s)/freezer(s) are available for field crew food.

- All expired/spoiled food may be thrown away without notice.
- Please double-check that all appliances are completely shut off when done using them.
- Please use the fan over the range when cooking to minimize odors and please be considerate in what you choose to cook, especially in the morning right before everyone else arrives for work.
- Counters, tables, appliances, the sink, etc. should always be left clean. The custodians will sweep/mop the Break Room floor but everything else in the Break Room is OUR responsibility to keep clean. Please leave the room as clean or cleaner than you found it and it can be a great benefit to everyone.
- Please let your supervisor or the Building Manager know if additional cleaning supplies are needed.

### **Shower**

The shower is located in the large unisex rest room on the first floor.

- Be sure to lock the rest room door when using the shower to prevent anyone from entering the room.
- Do not leave ANYTHING in the rest room or shower (take your soap, shampoo, towel, etc. with you).
- The custodians are NOT responsible for cleaning the shower – that responsibility belongs to those who regularly use the shower. As with the Break Room, leave it as clean or cleaner than how you found it. Cleaning supplies are available next to the shower. Please let your supervisor or the Building Manager know if additional cleaning supplies are needed.

## Bangor IFW/DMR Headquarters Temporary Housing Agreement

By signing below I acknowledge that I have read and understand the Bangor IFW/DMR Headquarters Temporary Housing policies and agree to follow them.

---

Printed Name

---

Phone\*

---

Supervisor/Project

---

Dates of Occupancy

---

Bunk Room #

---

Signature

---

Date

\*a phone number is required in case you need to be reached about a building/security issue.





**MAINE DEPARTMENT OF INLAND FISHERIES & WILDLIFE  
MAINE WILDLIFE PARK HOUSING  
USE AGREEMENT**

**1. IDENTIFICATION OF PARTIES AND PREMISES** This Agreement has been made and entered into on the date of signature between the Department of Inland Fisheries and Wildlife (herein called "DIFW") and the undersigned employee (herein called "Employee"). Subject to the terms and conditions set forth in this Agreement, DIFW supplies housing to the Employee as a condition of employment to live on site to prevent vandalism and to respond to any emergencies that may arise. This special condition is a requirement which is tied to specific positions at this facility and is identified as such during the job posting and hiring process.

The housing premises are located at the address identified with the signature section below (herein called "the premises"). The premises shall be occupied only by the undersigned Employee, which in addition to themselves may also include their spouse or significant other, and their minor children when used in accordance with official department business. Written permission must be obtained from the Commissioner, or designee, for other persons to occupy the premises. The Employee shall use the premises for residential purposes only and for no other purpose without prior written consent. Occupancy by guests for more than ten days in any six-month period is also prohibited without written consent. There is an expectation that the park residence will be the Employee's primary housing and periods of time spent away from the house would only include vacations, errands, family trips, etc. and not extended absences.

**2. LIABILITY** The Employee shall be liable for the full performance of each and every obligation of this Agreement, but not limited to, the payment of costs to remedy damages to the premises caused by negligence whether of the Employee or an invitee of the Employee. The Employee must provide evidence of liability insurance to be approved by the Commissioner, or designee, with a limit of liability not less than the limits contained in the Tort Claims Act (currently \$400,000). This coverage is for any personal liability of the employee or their invitees that may be incurred outside the course and scope of employment.

**3. TERM OF THE USE** The term of this Agreement shall commence on the date of signature and shall continue from that date until the Employee resigns, promotes, transfers, or otherwise leaves their position with the applicable condition of employment. The Employee and any individuals living on site must remove all personal possessions from the premises within (30) days' notice of the change in said employment. For temporary assignments see Section 8.

**4. UTILITIES** DIFW will pay directly for basic utilities excluding phone and cable television, and the Employee is fully responsible for any services and charges provided to or performed on the premises without prior consent.

**5. PETS** Pets are allowed on the premises provided they do not impact the quiet enjoyment of others or in any way cause damage to State property. It is a privilege to have pets on the premises and this privilege may be revoked by DIFW at any time should pet related issues arise. Dogs and/or other pets must be confined/leashed/penned so that they do not cause disturbances inside or outside the park property. It will be the responsibility of the Employee to rectify any damage to State property caused by their pets.

**6. QUIET ENJOYMENT** The Employee shall be entitled to quiet enjoyment of the premises. The Employee shall not use the premises in such a way as to violate any law or ordinance, commit waste or nuisance, or annoy, disturb, inconvenience, or interfere with the quiet enjoyment of any other or nearby resident.

**7. NIGHT DUTY** An Employee with the condition of employment to live on site serves to provide security for the park during and after regular hours. The Employee should be keeping watch for unauthorized entry and investigate suspicious vehicles and persons to prevent vandalism, theft, and other security breaches. In addition to security duties, there is also an expectation that the Employee will work with other resident Park Employees (who live in provided housing) to rotate through certain after-hours responsibilities such as special animal feedings, snow removal, generator re-fueling, damage

inspection from storms, and to respond to any other type of emergencies that may arise. Response to an issue at the facility shall be considered time worked only for the purpose of insurance coverage as the Employee is not eligible for any additional compensation.

8. **ACCESS GATE** The Employee will keep the access road closed and locked at all times while other staff members are not present between 7:00 pm and 7:00 am from April 15<sup>th</sup> thru November 11<sup>th</sup> and between 5:00 pm and 7:00 am during the winter. The gate may be left open for brief periods of up to an hour during personal errands in the evening.

9. **ASSIGNMENT AND SUBLETTING** No portion of the premises shall be sublet to other employees nor this Agreement assigned without the prior written consent of the MWP Superintendent. Should other staff members volunteer to temporarily accept State housing as a condition of employment they could be allowed to live on site in exchange for providing necessary night duty and security coverage (an additional use agreement is necessary). This can only occur as long as both the staff volunteer and Employee assigned with the original condition of employment are willing to continue it, otherwise responsibility to fulfill that obligation defaults to the Employee with the original condition. Should the Employee with the original condition of employment resign, promote, transfer, or otherwise leave their position tied to this condition, all subletting and temporary use agreements are no longer valid and the premises must be vacated.

10. **CONDITION OF THE PREMISES** The Employee agrees to:

- (i) properly use, operate and safeguard the premises and all furnishings and fixtures within the premises,
- (ii) maintain the premises in a clean, neat and sanitary condition, and upon a change in employment, surrender the premises to DIFW in the same condition as when the Employee first took occupancy less ordinary wear and tear,
- (iii) maintain the surrounding grounds in a clean and safe manner while keeping the grounds clear of debris and trimming all grass and shrubbery as necessary to effect a neat and orderly appearance to the property,
- (iv) notify DIFW upon discovery of any damages, defects or dangerous conditions in and about the premises,
- (v) reimburse DIFW for the cost of any repairs to the premises from damages caused by misuse or negligence of the Employee, as well as their pets, guests or invitees; and
- (vi) identify any existing damages below prior to occupying the premises that haven't been scheduled for repair in writing.

11. **REPAIRS, ALTERATIONS AND DAMAGES** Except as provided by law or as authorized by the MWP Superintendent, the Employee shall not make any repairs or alterations to the premises, including but not limited to, manipulation of drywall, framing, ceilings, floors, or windows within the residence and changes to grounds such as tree transplants, excavation, erecting structures, etc. outside the residence.

If the premises are damaged or destroyed as to render them uninhabitable, then either the Employee or DIFW shall have the right to terminate this Agreement as of the date on which such damage occurs, through written notice to the other party to be given within fifteen days of occurrence of such damage. However, if such damage should occur as the result of the conduct or negligence of the Employee or their guests or invitees, the Employee shall be responsible for all losses, including, but not limited to, damage and repair costs. Park tools may be used for work around the premises with prior permission of the MWP Superintendent and/or the utilization of the equipment log book.

12. **PERMANENT STRUCTURES** No permanent structures of any kind shall be erected or moved upon the premises by the Employee without the express written permission of the MWP Superintendent.

13. **EMERGENCY ENTRY AND INSPECTION** The Employee shall make the premises available to DIFW or their agents for the purposes of inspection, making repairs or improvements, or to supply agreed services. Except in the case of an emergency DIFW shall give the Employee a reasonable notice of intent to enter of (24) hours.

14. **INSURANCE DISCLAIMER** The Employee assumes full responsibility for all personal property placed, stored or located on or about the premises. Personal property is not insured by DIFW. See Risk Management Bulletin 12: State Owned Housing and Insurance.

15. **SMOKING** Smoking is strictly prohibited inside all DIFW residential housing units. See policy E1.6 - Smoking inside Department-provided Housing.

16. **ENTIRE AGREEMENT** This document constitutes the entire Agreement between the Employee and DIFW. This Agreement cannot be modified except in writing and must be signed by all parties. The failure of the Employee or their guests or invitees to comply with any term of this Agreement could result in progressive disciplinary actions up to and/or including termination of the Agreement and employment.

17. **RECEIPT OF AGREEMENT:** The undersigned employee has read and understands this Agreement and hereby acknowledges receipt of a copy of this Use Agreement.

18. **LEAD BASED PAINT DISCLOSURE** Lead Warning Statement: Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. By initialing, the Employee acknowledges receipt of disclosure of information on lead based paint and lead-based paint hazards. DIFW has no known testing reports of lead-based paint on the premises.

Employee initial here: \_\_\_\_\_

Address of Premises:

\_\_\_\_\_

Existing Damages to the Premises:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Employee Signature & Date: \_\_\_\_\_

Printed Name & Title: \_\_\_\_\_

DIFW Designee Signature & Date: \_\_\_\_\_

Printed Name & Title: \_\_\_\_\_

**ADMINISTRATIVE POLICY REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED, AND THE AMERICANS WITH DISABILITIES ACT OF 1990**

The Department of Inland Fisheries and Wildlife will comply with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act by: ensuring that all Department programs and services are made accessible to persons with disabilities, ensuring that all employment decisions are made free from discrimination in regard to physical or mental disability, ensuring that all reasonable steps are taken to provide physical accessibility to people with disabilities at all Department facilities, and overcoming any past discrimination and remedying its effects.

A. Program Accessibility

1. All meetings, hearings, Department sponsored functions and activities will be made accessible to all members of the public by:
  - a. scheduling functions at facilities which are accessible; and
  - b. providing reasonable accommodation to people with disabilities upon request, which shall include, but not be limited to providing auxiliary aids or interpreters.
2. Any public notice, where advertising of such meetings is the responsibility of this Department, will include a statement for accommodating people with disabilities.
3. Any reasonable request for written materials, which are normally provided to the public, will be made available in alternate format as necessary to accommodate people with disabilities.
4. All major publications, training handbooks, and summaries of laws and regulations will contain the notification of the Department's responsibility to operate free from discrimination on the basis of physical or mental disability.
5. All admission or testing criteria will not have adverse effect upon people with disabilities.
6. All employees, volunteer instructors, and license agents of the Department will be advised of our policy for accommodating people with disabilities.

B. Employment

1. All employment and personnel action will be made in accordance with the Department's Affirmative Action Plan and State and Federal Law.

2. All employees will be apprised of the existence of this policy and will be invited to voluntarily identify themselves as having a disability and request any accommodation they feel necessary.
3. Reasonable accommodations will be made for any employee except where such accommodations impose an undue hardship on this Department.

C. Physical Accessibility

1. New construction or structural changes in existing facilities will be completed in accordance with standards required under the Americans with Disabilities Act.

It shall be the responsibility of all levels of management to ensure attainment of these goals. The successful achievement of this requirement depends upon aggressive implementation by each employee.

Kathy Weymouth of the Natural Resource Service Center is the department 504/ADA Coordinator and specific questions or grievances should be directed to her. Ms. Weymouth may be reached at 624-6393.

## E2.1

### **DEPARTMENT POLICY ON USE OF STATE VEHICLES**

Department vehicles, except those involved in assignments requiring none, shall be marked with Department decals and display the Department web site address on the rear tailgate or trunk lid.

It is the intent of the Legislature that no state-owned vehicles be assigned to or used exclusively by any individual employee other than those instances where the Governor deems such assignment and use to be clearly necessary in order to carry out programs that have been approved by the Legislature.

State-owned vehicles may not be used by any employee to commute between home and work, except for vehicles authorized and assigned to law enforcement employees.

Under no circumstances may any state employee garage a state vehicle at the individual's residence, except as provided below:

- A. A vehicle may be temporarily garaged off state grounds when it is being used to transport state employees while on overnight travel,
- B. State vehicles may be temporarily garaged off state grounds after the late conclusion of a day's work,
- C. State vehicles may be temporarily garaged off state grounds in order to allow an employee to take a vehicle home when the next day's assignment will require the use of the vehicle for travel beyond and in the same general direction as the employee's residence, and
- D. A vehicle may be temporarily garaged off state grounds when certified by the Bureau of Public Improvements that there is no space available on state grounds or certified by the Department of Public Safety that the space available does not provide adequate protection for the vehicles.

## E2.2

### **ADMINISTRATIVE POLICY REGARDING THE OPERATION OF ATVS BY DEPARTMENT EMPLOYEES**

1. Department owned ATVs will be used only by State employees for official business.
2. Prior to operating any ATV for purposes of official business, Department employees must attend and successfully complete a Department approved ATV safety course.
3. Department owned ATVs may not be used to transport members of the public except in an emergency situation or when it is necessary for business purposes.
4. While utilizing any ATV on official business, employees must wear appropriate protective clothing.
5. Department owned ATVs, when not in use, must be stored in such a manner that they will not be accessible for unauthorized use.
6. ATVs are to be used by Departmental employees as a working tool to provide safe transportation.
7. ATVs are never to be used by Department employees to complete a particular task whenever there is any question as to the capability of the ATV and/or the operator to complete the task safely.

## E2.3

### **ADMINISTRATIVE POLICY REGARDING PERSONAL PETS IN STATE OWNED VEHICLES**

The Risk Management Division of the Department of Administrative and Financial Services has informed the Department that the State could be held liable for any damages or injuries caused by personal pets being transported in State vehicles.

Department employees are prohibited from transporting their personal pets, or the pets of other passengers, in or on state owned vehicles. This prohibition does not apply to active members of the canine team.



## E2.4

### **DEPARTMENT POLICY ON INFORMATION AND TECHNOLOGY EQUIPMENT USAGE**

State information technology and related communications equipment may include, but is not limited to: personal computers, voice mail, computer networks, printers, copiers, telephones, fax machines, modem, fax modems, e-mail, local and wide area networks, Internet, and Intranets.

#### **PURPOSE**

The purpose of this policy is to set out the rules to be followed while using any or all of the State owned information technology equipment under the control of Inland Fisheries & Wildlife.

#### **BACKGROUND**

The Department provides its employees access to state owned information technology and related communications equipment in order to accomplish the tasks, processing and communications necessary to effectively and efficiently achieve IF&W's mission, as directed by law and the administration.

The State of Maine "Freedom of Access Law" (1 M.R.S.A. Sections 401-410) clearly indicates that any and all materials, files, notes, records, copies, etc. regardless of the media used to store or transmit them (paper, film, microfiche, magnetic media or election media, etc.) in public offices or in the possession of public employees which at work are public property. As such, the public has access to those materials. The law places some very narrow restrictions on the public access, such as personnel files, employment applications, employee testing and rating criteria, worker's compensation files, certain investigation files, etc., but most materials are subject to public viewing.

E-mail systems, Internet and World Wide Web browsers, bulletin boards, systems, etc., are intended to be used primarily for state business purposes. IF&W staff should be aware that cell phones and Internet messages are generally not secure and can be easily intercepted by outside parties. Voice mail and e-mail messages may have back-up copies that cannot be deleted by the operator. A history of accessed web sites is recorded by most browser software. All of this information may be subject to release under a "Freedom of Access Law" request. In addition, IF&W and BIS may monitor voice, e-mail, and Internet traffic to improve service levels, enforce this policy, and prevent unauthorized access to State systems.

Unofficial and/or unauthorized use of State-owned equipment places unanticipated and possibly excessive demands on the department's information technology resources.

Accessing unofficial and unauthorized sources unnecessarily exposes the State to the spread of computer viruses, which may be both costly and disruptive to clean from department information technology and related systems.

## **POLICY**

Department owned information technology equipment is made available to staff to conduct official department business. The use of department-owned information technology equipment to create, record, store, transmit, distribute, image, modify, print, download, or display inappropriate or unprofessional materials that demean, denigrate, or harass individuals or groups of individuals, on the basis of race, ethnic heritage, religious beliefs, disability, or gender, and/or materials that are sexually explicit or pornographic in nature, whether or not the material was intended to demean, denigrate, or harass any employee or group of employees, is prohibited.

Department-owned automation equipment may not be used to conduct outside business nor may it be used in conjunction with any outside employment activity. The use of department-owned supplies represents a cost to IF&W and, as such, printing and copying for personal use is restricted to incidental use only.

In order to ensure that department-owned information technology equipment maintains its integrity and functions as expected, the following policies are effective immediately:

1. Only software acquired by the department for official use may be loaded onto, or used on, Department-owned computers. **Software from home or the Internet may not be loaded onto department-owned PC's without express permission from the employee's supervisor and the Office of Information Technology (OIT).** Copying software licensed to another machine or user is software piracy and a federal crime. Any such software deemed to be creating problems with the user's PC will be removed and the user's supervisor notified.
2. No software will be copied onto any device other than the device for which it was licensed.
3. PC's have been set up for individual users. Each user has a login ID and password. Employees should not allow anyone to use their computer if that computer is logged onto the network, nor should employees use another's computer. Employees not actively using their PC should either log off their active session or use a password protected screen saver to prevent unauthorized use of the PC. Employees are ultimately responsible for the use or misuse of their PC.
4. Shared PCs, servers, and other devices accessible via the network are to be accessed only with express permission of the person hosting the shared device.
5. E-mail systems, Internet, and World Wide Web browsers, bulletin board systems, etc. are to be used primarily for business purposes. Any personal use must be of an incidental nature, and not interfere with business activities, must not involve solicitation, must not be associated with any for-profit outside business activity or political activity, and must not potentially embarrass the Department, the State of Maine, its residents, its taxpayers, or its employees. Such use must not intrude into an employee's work responsibilities.

6. No person shall write, distribute, or introduce any software known or suspected to be infected with a computer "virus", "worm", or "Trojan horse" into the State of Maine computing environment. Each Department computer shall have a copy of an anti-virus utility installed and in use at all times.
7. The State e-mail system is not the medium for "spam:" mass mailings, chain letters, thoughts for the day, petition drives, jokes, clever graphics, holiday greetings, special occasion cards, bogus virus warnings, political material, and assorted non-work related items. If you need to send e-mail to more than a few recipients, create a distribution list. Do not select large blocks of names from the global address list. The State e-mail system is to be used only by authorized State employees using their own e-mail ID for State business purposes. Attempting to send any e-mail to everyone on the global address list will be considered a misuse of the system. Any deliberate misuse of the e-mail system may lead to disciplinary action up to and including dismissal.
8. All material created, modified, stored, moved, distributed, transferred, printed, imaged, or otherwise manipulated on State-owned office automation equipment is considered to be public property and, as such, is subject to examination by the public. *Employees are advised that there should be no expectation of privacy when using any State-owned information technology or related communications equipment.*

These policies reflect broader policies established by the Information Services Policy Board and laws governing computer use and security. Any proposals for changes to department policies must be presented to the deputy commissioner for approval.

## **GUIDELINES AND PROCEDURES**

In the event that an employee inadvertently accesses inappropriate or prohibited material or such material is sent or delivered to an employee, the employee is required to immediately secure the material from view. It is recommended that the employee's supervisor or manager be advised of the circumstances surrounding the inadvertent access. This will ensure that the employee is held harmless for inadvertently accessing the inappropriate or prohibited materials.

If supervisory or management staff become aware that inappropriate or prohibited materials are being purposely accessed, downloaded, or otherwise transmitted to or by an employee in their organization, the manager must act immediately to stop such activity. Supervisors and managers should contact the personnel director for guidance and consultation.

Each department employee, intern, work-study position, and volunteer is expected to comply with this policy. Violation of this policy may lead to progressive discipline, up to and including dismissal consistent with applicable bargaining agreement and/or civil service rules.

## E2.5

### ASSET MANAGEMENT POLICY

The Department of Inland Fisheries and Wildlife will manage assets under its control in a manner consistent with the standards established by the Bureau of Accounts and Control, Department of Administrative and Financial Services. The web address for these standards is [http://www.state.me.us/bac/Fixed\\_Assets/fxpolicyhtm](http://www.state.me.us/bac/Fixed_Assets/fxpolicyhtm).

The Commissioner for Inland Fisheries and Wildlife shall have overall responsibility for the administration of this policy. Bureau directors, hatchery superintendents, regional supervisors and warden lieutenants shall have responsibility for the administration of this policy in their respective regions and divisions.

The Maine Department of Inland Fisheries & Wildlife shall:

- develop and distribute standard forms for the maintenance of inventories, consistent with the requirements of the Bureau of Accounts and Control;
- establish a three-year cycle of inventory of fixed assets;
- ensure the completion of the three-year inventory of fixed assets consistent with the requirement of the Bureau of Accounts and Control;
- reconcile the physical inventory with general ledger balances;
- certify the reconciliation in writing;
- present records for audit, as requested by the Bureau of Accounts and Control;
- maintain records, including any supporting documentation for three years following the close of the current year audit.
- ensure the completion of the inventory of fixed assets in their region or facility, according to the process established by the Inland Fisheries and Wildlife property officer;
- monitor high risk items in accordance with the State's policy;
- provide information upon request of the Inland Fisheries and Wildlife's property officer to assist in the reconciliation of the physical inventory.

## E2.6

### **STOREHOUSE POLICY**

The storehouse has been created to provide and supply services of a specific nature, i.e. law enforcement supplies, uniforms, etc., for the bureaus and divisions of the Department of Inland Fisheries & Wildlife. It is located in our Federal Street facility.

The inventory and property specialist is responsible for the ordering and receiving of items, in accordance with State of Maine purchasing practices, stocked in the storehouse. This position is also responsible for inventory control, tracking of inventory and tracking of payments and to ensure all is properly documented and distributed.

Items available at the storehouse are accessible to the Warden Service, Bureau of Resource Management, Wildlife Division, Fisheries Division, Hatcheries Division, Information & Education Division, and the Engineering Division.

Please contact the inventory and property specialist for their procedure to acquire items from the storehouse.

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## F1.1

### ADMINISTRATIVE POLICY REGARDING DISTRIBUTION OF VOLUNTEER RECOGNITION ART PRINTS

Each year a considerable number of individuals provide important services to the Department of Inland Fisheries and Wildlife on a **strictly voluntary basis**.

In order to recognize these volunteers for their valuable contributions, the department will annually publish a volunteer recognition art print to be awarded to those who have provided significant voluntary support to the Department of Inland Fisheries & Wildlife (DIF&W).

- A. **Eligibility Criteria.** To help ensure fair and equitable distribution of volunteer recognition art prints, eligibility for receipt of one of these prints will be based on the following criteria:
1. Ongoing voluntary contributions to department programs over an extended period of time, including, but not limited to, such things as maintenance or creel census records or hunting diaries; safety instruction involving the use of firearms, water craft or recreational vehicles; rehabilitation of sick or injured wildlife; support to Maine Wildlife Park, Project Wild or Aquatic Instruction, and Landowner Relations.
  2. Major contributions in support of specific conservation related projects or department programs, such as allowing the use of property for stream improvement projects, peregrine hawk sites or wild turkey introductions, collection of large volumes of information; participation in species planning workshops; donation of funds, goods, or services for department programs.
  3. Contributions involving long-term protection or enhancement of fish and wildlife habitat, including such things as donation of conservation easements; donation of wildlife habitat; written agreements providing protection to eagle nests, deer wintering areas, heron rookeries; providing the use of private land for access to public waters.
- B. **Additional Eligibility Provisions.** The following provisions will also apply to the distribution of volunteer recognition art prints:
1. Department employees will not be eligible to receive a print even though they provide volunteer services which are clearly unrelated to their jobs.
  2. Persons will be ineligible to receive a print if they are paid or otherwise compensated in any way for their contributions to the department.
- C. **Nomination Procedures.** Nomination procedures involving potential recipients of volunteer recognition art prints will be as follows

1. Nominations will be solicited from all department personnel annually.
  2. Each nomination must include the full name and address of the nominee along with a written statement of the voluntary services provided by the nominee which justify recognition through this program in accordance with the eligibility criteria explained elsewhere in this policy.
  3. All nominations will be forwarded through the appropriate Bureau Director for review and approval to ensure that nominees meet the criteria necessary for recognition.
  4. All nominations, after approval of responsible Bureau Director, will be forwarded to the Volunteer Coordinator for accountability and insertion into the department Volunteer Art Print database.
  5. Supervisory personnel are expected to take the necessary steps to ensure that nominations are submitted in a timely manner and contain the necessary justification. Nominations must be received no later than the **31<sup>st</sup> of December of the award year.** Late entries will only be considered after all nominations submitted by 31<sup>st</sup> of December of the award year have been placed in the Volunteer Art Print database.
  6. The Bureau Director will disqualify any nomination which does not meet the criteria necessary for recognition through this program, and the individual who made the nomination will be so notified.
  7. If the number of nominees exceeds the number of prints available in any particular year, the Department Director will be responsible for determining which nominations will be deferred.
  8. Consideration **will not** be given to any request that is not accompanied by the procedures outlined in paragraph C2 of this administration policy.
- D. **Procedures Involving Production of Prints.** The Commissioner will annually select that artist to produce the artwork for the volunteer recognition art print program. (The services of the artist are to be voluntary except for receipt of a limited quantity of 50 artist proof prints.) All other phases of print production are to be the responsibility of the Division of Public Information and Education.
- E. **Procedures Concerning Presentation of Prints.** All prints awarded under this program will be accompanied by a letter of appreciation signed by the Commissioner. Normally, prints will be forwarded to the department employee who submitted the nomination and that employee will make the presentation in the manner which he or she determines to be most appropriate (personal delivery, mail, etc.). However, there may be certain situations where other methods of presentation are more appropriate, in which case the mechanics of the presentation will be worked out in conjunction with the employee who submitted the nomination.



## **ADMINISTRATIVE POLICY REGARDING THE USE OF VOLUNTEERS WITHIN DEPARTMENT PROGRAMS**

Each year a considerable number of individuals provide important services to the Department of Inland Fisheries and Wildlife on a **strictly voluntary basis**.

In order to clarify how the department will utilize these volunteers while protecting the volunteer, the public and the State of Maine, the department has adopted this policy to clearly outline the program areas where volunteers are used and the oversight and support the department will provide for them.

- A. **Eligibility Criteria.** To help ensure that volunteers are placed appropriately within program areas in the Department the following considerations will apply:
1. Programs using volunteers include, but are not limited to, such things as maintenance or creel census records or hunting diaries; safety instruction involving the use of firearms, water craft or recreational vehicles; rehabilitation of sick or injured wildlife; support to Maine Wildlife Park, Project Wild or Aquatic Instruction, and Landowner Relations.
  2. Major contributions in support of specific conservation related projects or department programs, such as allowing the use of property for stream improvement projects, peregrine hawk sites or wild turkey introductions, collection of large volumes of information; participation in species planning workshops; donation of funds, goods, or services for department programs.
  3. Contributions involving long-term protection or enhancement of fish and wildlife habitat, including such things as donation of conservation easements; donation of wildlife habitat; written agreements providing protection to eagle nests, deer wintering areas, heron rookeries; providing the use of private land for access to public waters.
- B. **Additional Eligibility Provisions.** The following provisions will also apply to the distribution of volunteer recognition art prints:
1. Department employees will not be eligible to receive a print even though they provide volunteer services which are clearly unrelated to their jobs.
  2. Persons will be ineligible to receive a print if they are paid or otherwise compensated in any way for their contributions to the department.
- C. **Nomination Procedures.** Nomination procedures involving potential recipients of volunteer recognition art prints will be as follows

1. Nominations will be solicited from all department personnel annually.
  2. Each nomination must include the full name and address of the nominee along with a written statement of the voluntary services provided by the nominee which justify recognition through this program in accordance with the eligibility criteria explained elsewhere in this policy.
  3. All nominations will be forwarded through the appropriate Bureau Director for review and approval to ensure that nominees meet the criteria necessary for recognition.
  4. All nominations, after approval of responsible Bureau Director, will be forwarded to the Volunteer Coordinator for accountability and insertion into the department Volunteer Art Print database.
  5. Supervisory personnel are expected to take the necessary steps to ensure that nominations are submitted in a timely manner and contain the necessary justification. Nominations must be received no later than the **31<sup>st</sup> of December of the award year.** Late entries will only be considered after all nominations submitted by 31<sup>st</sup> of December of the award year have been placed in the Volunteer Art Print database.
  6. The Bureau Director will disqualify any nomination which does not meet the criteria necessary for recognition through this program, and the individual who made the nomination will be so notified.
  7. If the number of nominees exceeds the number of prints available in any particular year, the Department Director will be responsible for determining which nominations will be deferred.
  8. Consideration **will not** be given to any request that is not accompanied by the procedures outlined in paragraph C2 of this administration policy.
- D. **Procedures Involving Production of Prints.** The Commissioner will annually select that artist to produce the artwork for the volunteer recognition art print program. (The services of the artist are to be voluntary except for receipt of a limited quantity of 50 artist proof prints.) All other phases of print production are to be the responsibility of the Division of Public Information and Education.
- E. **Procedures Concerning Presentation of Prints.** All prints awarded under this program will be accompanied by a letter of appreciation signed by the Commissioner. Normally, prints will be forwarded to the department employee who submitted the nomination and that employee will make the presentation in the manner which he or she determines to be most appropriate (personal delivery, mail, etc.). However, there may be certain situations where other methods of presentation are more appropriate, in which case the mechanics of the presentation will be worked out in conjunction with the employee who submitted the nomination.

The Department (MDIFW) understands the concerns that have been raised by both the AG's office and Risk Management in the use of volunteers and their coverage under the Maine Tort Claims Act. We understand that general volunteers that have not been screened or vetted in any way that are participating in an unstructured program for which there isn't any curriculum, direction or accountability present a special situation that requires additional guidelines. In that case it seems prudent to require direct supervision by a state employee to manage the risk that this creates and gain coverage under the MTCA. At the same time we would like to have the opportunity to clarify that the Range Safety Office Program (RSO) and the Recreational Safety Program Volunteers (Hunter Education Instructors) pose two different situations where coverage under the MTCA is appropriate and necessary for these programs to function. The Department believes there is accountability and procedures in place along with a long history of service in MDIFW's work as outlined in Title 12 that we can share that would support this. We believe the prudent and thoughtful measures currently in place provide a way to manage risk for these volunteers that meets the standards outlined in Title 14 for employees and address any concerns/policies Risk Management has to manage risk and the State's liability. A brief outline of these points are included below and are offered for purposes of this discussion and review. The Department wants to work with the AG's office and Risk Management to codify or strengthen these procedures in a way that addresses the concerns raised but does not preclude the programs existing.

#### Range Safety Officers:

Range Safety Officers volunteer at one of two State of Maine Department of Inland Fisheries & Wildlife Shooting Ranges on State owned land. These are the Summerhaven Shooting Range in Augusta, a multimillion dollar state of the art shooting range built with state and federal funds (USFWS PR) and the Fryeburg facility currently being rebuilt that is on the Greg Sanborn Wildlife Management Area in Fryeburg. Both facilities are only operational when RSOs are present, are open to the general public free of charge, and use is scheduled and managed according to Department rules, policy and the Department's operational plan for that facility. The program is overseen by Department staff within the Bureau of Resource Management in the Wildlife Division and the Recreational Safety Program. The Department utilizes two contractor positions: a Range Facility Coordinator and a Range Access Coordinator to oversee the training and scheduling of the RSOs.

The individuals who wish to become Range Safety Officers must apply for the program by submitting an application and agreeing to a background check that is subject to Department review. The volunteers that pass the screening and are accepted must then take a NRA standard Range Safety Officer Program Course before they are accepted into the program. RSOs work under experienced RSOs initially and are reviewed by a program coordinator before they can work within the range program. This NRA RSO certification program and the NRA Shooting Range Operation Guidelines are the accepted national standard for the safe operation of ranges. In Chapter 5.03 of IFW rules Shooting Ranges are discussed and the role of RSOs in monitoring and directing public use of the ranges is delineated. The Department has a Code of Conduct for the RSOs that they must adhere to and an Operational Procedures Guide for each range. The public is checked into a secured facility and every action involving a firearm as well as their movement within the facility are overseen and regulated to ensure the safety of everyone

on or off the site when the range is operational. The facility can only be used when RSOs are present during regularly scheduled public use time or by approved law enforcement groups. The Department feels this information shows that these volunteer RSOs are adequately and well supervised employees acting in an official capacity as outlined in Chapter 5 of IFW rules and the Department would like to secure the appropriate policy under Risk Management for Tort Claim liability.

#### Recreational Safety Instructors:

Recreational Safety Instructors (Hunter Ed Instructors) are also volunteers who participate in the Department's nationally accredited Hunter Education Program. The Recreational Safety Program lies within the Bureau of Resource Management and is overseen by the Recreation and Emergency Response Supervisor and regionally by 10 Regional Recreational Safety Coordinators. Programs are delivered year round across the state by these volunteer instructors at partner's host sites such as fish and game clubs, schools, community centers and town halls. I have attached the FJAs for the Supervisor and Regional Coordinator positions which clearly identifies the role of the volunteers and the responsibility for recruiting, training and the oversight expectations. As I mentioned earlier there are national standards for the program that include a specific curriculum and standards for program delivery. The instructors apply, are vetted, trained, mentored, monitored and evaluated constantly. The instructors deliver the course, evaluate students both in the class room and in live skills days events in the handling and use of firearms, crossbows and bows. At the end of the course the instructors determine who passes the courses and receive official MDIFW cards stating they passed this nationally accredited program. This certification allows the individual named on the card to purchase hunting license across the United States. Completion of this program or its equivalent is required by Maine statute to buy an initial hunting license. These instructors deliver firearms, crossbow, bow, snowmobile, ATV and boating safety courses. The Department would request appropriate Tort coverage for all their work representing the Department as they implement all of these programs clearly outlined and mandated within Title 12. This program would not be able to be delivered without these volunteer instructors operating in this tightly managed and directed way. The Department believes the level of oversight we provide meets the standard of direct supervision.

Both RSOs and Recreational Safety Instructors are clearly incorporated into the delivery of these Department programs. They are named in the federal grants with the USFWS as necessary for the program's delivery and the Department receives credit for their volunteer hours worked on behalf of the State of Maine in this official capacity as state match for these grant programs. The Recreational Safety Program has an over 50 year history of successful delivery of hunter ed and recreational vehicle programs in the state. The RSO program has been in existence for 5 years but is just as important a part of MDIFW's support of hunting and shooting sports in Maine.

For discussion purposes I have attached the relevant documents. Deputy Commissioner Peabody has offered the services of Becky Orff in scheduling a meeting to discuss how to move forward from here. Jim

## **ADMINISTRATIVE POLICY REGARDING DISTRIBUTION OF CONSERVATION EDITION DUCK STAMP PRINTS**

The Maine Duck Stamp program was implemented in 1984 as the result of efforts by the Maine Legislature to raise additional revenues for the Department of Inland Fisheries and Wildlife. The applicable statute expressly authorized the department to reproduce and sell, through contractual agreement, any art which might be created in conjunction with the waterfowl hunting permit (stamp).

Shortly after the legislation became effective, the department signed a contract with WILD WINGS, a Minnesota based company, to design Maine's first "duck stamp". The subject of the design, to be painted by well-known wildlife artist David Maass, was the black duck. WILD WINGS was to produce and market duck stamp prints with a percentage of the revenues to be credited to the department.

In addition, the department was to receive 250 Conservation Edition Duck Stamp prints, signed by the artist. Conservation Edition prints are a routine part of state duck stamp programs, and, although not valued as highly as regular print, they have been used successfully by other states to promote the program and to enhance public relations efforts, including distribution to conservation organizations for fund raising purposes.

### Administrative Policy

Conservation Edition Duck Stamp prints are the property of the department to be utilized in any manner which the department chooses. However, to ensure that the distribution of Conservation Edition Duck Stamp prints is handled in a uniform and professional manner and that the prints are utilized for purposes which are consistent with the goals and objectives of the department, the following procedures will be used.

- A. Conservation Edition Duck Stamp prints will be distributed in one of the following ways:
1. Provided to Conservation organizations for fund raising or public relations purposes. (A conservation organization is defined as a nonprofit or not-for-profit club, organization, society, council, federation, or coalition whose goals support wise use, management and protection of fish and wildlife resources and habitat, conservation education, recreational safety and sportsmen ethics.)
  2. Awarded to deserving recipients in recognition of major contributions in the field of fish and wildlife conservation.
  3. Made available for specific purposes which will focus significant public attention on the program.

- B. All requests for Conservation Edition Duck Stamp prints by conservation organizations must be submitted annually to the Commissioner in writing and shall include an explanation of how the prints will be utilized. Requests for CE prints will not be accepted until January 1<sup>st</sup> of the calendar year following the year of issue.
  
- C. Conservation Edition Duck Stamp prints will not be awarded or distributed in any manner without specific written approval of the Commissioner. A copy of the written approval shall be retained by the duck stamp program coordinator.

## INDEX

### **SECTION F. VOLUNTEERS**

#### CHAPTER 1. VOLUNTEERS

- F1.1 Distribution of Volunteer Recognition Art Prints
- F1.2 Distribution of Conservation Edition Duck Stamp Prints

## G1.1

### **ADMINISTRATIVE POLICY REGARDING PRESERVATION AND ENHANCEMENT OF HABITAT FOR THE BENEFIT OF FISH AND WILDLIFE RESOURCES**

The forests of Maine comprise 90 percent of the land area. Wildlife is an integral part of Maine's total forest resource, and the future welfare of wildlife will depend on how the forest resource is managed. To meet all of a given wildlife species requirements for food and shelter a great variety of plant species is required. This variety is found on lands that support a mixture of trees, shrubs, and herbs.

Forest operations may also directly or indirectly affect the state fishery resources. Loss of streamside vegetation causes increased stream temperatures and more rapid run-off in streams which may limit or prohibit maintenance of fish populations. Erosion from lands adjacent to streams, rivers, and lakes may also contribute to increased water temperature by decreasing stream depth and eliminating shade. Sediments also bear nutrients which increase eutrophication rates in lakes and ponds, thereby reducing available oxygen and consequently, the water quality as coldwater fish habitat. Accumulation of sediments may smother eggs, fry and aquatic food organisms for trout, salmon, and smelt causing direct and indirect mortality. Sediments may also cause irritation and secondary infection in fishes thereby reducing growth rates and the productive capability of waters.

In support of the Department's mandated goal to maintain or enhance the numbers of fish and wildlife because of their high economic, social, and ecological value to the citizens of the State, it shall be the policy of the Department:

**TO MAINTAIN AND IMPROVE ENVIRONMENTAL CONDITIONS FOR WILDLIFE ON FOREST LANDS BY ENCOURAGING FOREST MANAGEMENT PRACTICES THAT IMPROVE AND MAINTAIN A DIVERSITY OF FOREST TYPE AND AGE CLASSES THROUGH A COOPERATIVE WORKING RELATIONSHIP.**

**TO MAINTAIN AND IMPROVE FISHERIES HABITAT BY ENCOURAGING PROPER CONSTRUCTION, AND SOIL CONSERVATION PRACTICES ON ALL PRIVATE AND PUBLIC LANDS IN MAINE AND TO RESTORE FISHERIES HABITAT THROUGH COOPERATIVE EFFORTS WITH PRIVATE GROUPS AND OTHER GOVERNMENT AGENCIES.**

**TO ACHIEVE COMPLIANCE WITH PERTINENT EXISTING FEDERAL AND STATE ENVIRONMENTAL LAWS.**



## IMPLEMENTATION

- I. As requested, Wildlife and Fisheries Biologists will provide technical guidance to private landowners or operators, as well as governmental agencies and non-governmental agencies having land management, land use planning and/or land development capabilities relating to:
  1. timing and rate of application of pesticides, herbicides, fertilizers, or other chemical amendments to the forest ecosystem;
  2. the effects of various silvicultural and other forest management practices on wildlife;
  3. suitable soil treatment and seed mixtures for areas chosen; (This will consist mainly of recommending whether a mixture formulated primarily to prevent erosion or provide wildlife food should be used. In this respect, recommendations of fisheries biologists will be required regarding sedimentation problems and potential for same.)
  4. avoid disturbance to fisheries and restore or enhance fisheries habitat.
  
- II. A Department employee who observes any activity that may be a violation of environmental law will report the location and the nature of the activity to the appropriate Regional Wildlife Biologist or the Regional Fisheries Biologist.

If the activity is an apparent violation of any environmental law administered by the Land Use Regulation Commission (LURC), Department of Environmental Protection (DEP), or municipal government, the following procedure will be followed:

1. The Regional Wildlife Biologist or the Regional Fisheries Biologist will contact the appropriate LURC or DEP regional office or municipal government to report the possible violation.
2. Warden Service will provide follow-up legal action as appropriate.
3. As requested by LURC, DEP, or municipal government, the Regional Wildlife Biologist or the Regional Fisheries Biologist will provide technical assistance regarding permit application review, corrective measures to be taken to restore wildlife or fisheries habitat, mitigation and any other necessary action to be considered.

## G1.2

### **ADMINISTRATIVE POLICY REGARDING HYDROPOWER PROJECTS**

The Department of Inland Fisheries and Wildlife's (DIF&W) legislative mandate is "to preserve, protect, and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources." (Title 38 MRSA §7011). It is within the context of this mandate the Department evaluates beneficial and/or detrimental effects of hydropower projects.

DIF&W reviews, evaluates, and provides recommendations at all stages of hydropower project development. This involvement ranges from informal preliminary consultations with developers, to formal consultation as required by the Federal Energy Regulatory Commission (FERC) licensing regulations, and includes technical review and comment for consideration by the Maine Department of Environmental Protection (DEP) or the Maine Land Use Regulation Commission (LURC) administering Section 401 Water Quality Certification and the Maine Waterway Development and Conservation Act for State hydropower permits. Identification of affected resources, significant issues, and informational needs will lead to specific recommendations for studies, project design, or operational configurations to avoid or minimize adverse effects upon resources, compensate for unavoidable losses, and provide terms or conditions for Federal or State licenses or permits to achieve our mandate.

Hydroelectric power projects require site-specific determination of actual, or cumulative effects upon inland fish and wildlife resources and their utilization. However, major categories of concerns or issues commonly exist with nearly all projects and can be addressed with general guidelines or policies. The following items are provided to alert others of our general concerns and to provide guidelines for consistency of review and recommendations.

#### **1. Instantaneous Flow**

Stream flow has physical, chemical, biological and aesthetic considerations. Hydropower projects are often developed and operated in terms of average discharge from a dam, which may in fact involve wide fluctuations of flow over a period of time. As far as fish and other aquatic organisms are concerned, even short periods of flow below a habitat-sustaining minimum quantity can be harmful. Therefore, instantaneous flow, the flow at any given time, should not be less than a suitable minimum determined to be protective of the resources at risk. Likewise, periodic flushes of high flows, followed by quick reduction to low flows, such as may occur at hydropower peaking projects, disrupts normal aquatic organism regimes and can reduce habitat availability for certain species or life stages. Fish may be forced to move and occupy less than optimal velocity refuges at high flows, or become stranded and subject to increased stress or mortality in isolated pools following sudden dewatering. Sustained periods of discharges higher or lower than seasonal averages, such as commonly occur from storage reservoirs, can disrupt normal seasonal cycles and life stages. Flow regimes necessary to sustain normal fluvial geomorphological processes (physical stream bank and channel-forming, sediment

transport and sorting, channel maintenance, flood plan development, etc.) will also need to be considered. Temporal changes (diurnal, seasonal, and over a period of years) in flow regimes must be considered. Fish and other aquatic organisms have adapted to natural seasonal changes in stream flows. Low flows, which occur during summer, combined with warm water temperatures, are generally considered to cause periods of greatest stress on aquatic organisms in Maine waters. Requirements for maintenance of an instantaneous instream flow which does not degrade aquatic habitat below natural summer flow conditions will generally be recommended to sustain these organisms. Seasonally higher flows may be desired for certain periods for protection of specific life stages such as during spawning, egg incubations, or migration. Long-term effects of flow regimes upon related physical (substrate), chemical (water quality) and biological habitat suitability's for all aquatic organisms should be addressed as a part of flow evaluations.

Ice-forming processes related to flow regimes might be an issue at some hydropower projects. Frazil ice (ice crystals suspended in supercooled water) can clog the gills of fish, anchor ice (ice forming on the bottom substrate) can isolate eggs in gravel substrates or divert flows and dewater channel segments, and ice jams may result in large-scale channel modifications among other effects. Where applicable, consideration of ice processes should be included in flow evaluations.

DIF&W endorses and will evaluate instream flows based upon the Interim Regional Policy for New England Stream Flow Recommendations, developed by the U.S. Fish and Wildlife Service. Basically, it recommends maintenance of at least an aquatic base flow (ABF), which is the August median flow, unless a lower flow can be demonstrated to be biologically adequate to maintain aquatic organisms. An approximation of the median flow will be recommended on streams where inadequate gauging records exist for specific determination of the August median flow. This approximation has been calculated using historical flow records for appropriate regional unregulated streams and is 0.5 cubic feet per second per square mile (csfm) of drainage area at the project. Higher flows may be recommended seasonally during spawning and incubation periods, for migration, or for optimizing angling opportunity. Whenever instantaneous inflow immediately upstream of the project is less than the ABF or alternative seasonal flow, project discharge (outflow) shall equal inflow. Bypass channels (commonly, the river segment between a dam and the generating station tailrace) may be evaluated separately for flow requirements as necessary to maintain water quality, habitat, productivity and angling opportunity.

If desired, site-specific studies may be performed by the project developer to demonstrate that fish and other aquatic organisms and their habitat will be adequately protected by some other flow regime. Several techniques for field surveys and modeling of flow requirements have been developed. These are grouped under the title "Instream Flow Incremental Methodology" (IFIM) as developed by the U.S. Fish and Wildlife Service and others. Our Department can assist with development of study plans and evaluation of results for alternative flow regime proposals.

## 2. Water Management Regime

Fluctuations in water levels and flows are important to various wildlife and fish species and their habitats (e.g. littoral zones, wetlands). Seasonal occurrence, degree and duration of fluctuations must be considered. For example: Waterfowl benefit from stable water levels for nesting and brook rearing. Furbearers can be flooded out if waters levels are raised after they go into winter quarters, or stranded if areas are dewatered after they become established for the winter. Drawdowns in early spring may prevent smelt from reaching spawning areas in lake tributaries. Lake trout (togue) eggs could be exposed and frozen by winter drawdowns. Bass spawn along shallow shorelines in late spring and early summer. Drawdowns during this period can destroy bass nests or cause abandonment with subsequent loss of eggs or fry. Anadromous (alewife, Atlantic salmon, shad, smelt) and catadromous (eels) fish need good stream flows to migrate to spawning areas, and for adults and juveniles to migrate back to sea. Trout and salmon resident in streams often must move to specific areas to spawn successfully.

Where significant waterfowl, loon, or other shorebird nesting habitat may be affected by project-induced impoundment fluctuations, we generally recommend no greater than one-foot surface elevation change during the period from ice-out to July 15. Greater fluctuations as a result of natural, unregulated causes are acknowledged to occur at some projects but should be regulated to one foot where possible. Artificial nesting platforms for loons may be considered where fluctuations exceed those guidelines.

Impoundments containing significant bass populations which are dependent upon natural spawning will also be subject to recommendations for restricting the degree of fluctuations to one foot during the period May 1 through July 1, or for the same time period as for waterfowl (July 15) if both are of concern.

Impoundment drawn down regulation is also recommended for the protection and success of fall spawning lake trout populations. Spawning areas will need to be identified, and water elevations adequate to cover and protect identified areas are to be established and specified. Drawdown to the protection level should occur prior to October 15 (may be set as October 1 in northern waters, or otherwise as determined appropriate by site specific information), and be held relatively stable during the spawning period to encourage spawning below the protection level. During the overwinter period (November 15 to May 1) the impoundment level may be allowed to rise and fall provided it does not drop below the protection level or elevation occurring during the October/November spawning period.

Aquatic furbearer populations can be protected by regulating impoundment fluctuations to no greater than one-foot surface elevation change during the period October 15 through ice-out in the spring.

Impoundments used primarily for annual storage and release present special problems for maintenance of fish and wildlife resources due to the degree and timing of fluctuations. Specific recommendations require a detailed description of the hydraulic cycle, species present, and habitat affected.

### **3. Water Quality**

Hydropower projects may create impacts upon water temperature, dissolved oxygen concentrations, nutrient and toxic materials retention and cycling, eutrophication, soil erosion, and sedimentation. Normal sediment movement may be trapped within the impoundment, causing downstream impoverishment, or project discharges may accelerate downstream sediment suspension and transport, both resulting in related substrate alteration. Habitat fragmentation as a result of changes in water temperatures or other qualities may be a concern. All of these may change habitat values for fish and wildlife resources, or the suitability of the habitat to support certain species. Project impacts during any construction or maintenance activities as well as from the mode of operation are areas of major concern. Generally, true run-of-the-river modes of operation cause fewer water quality related problems for fish and wildlife resources compared to storage and release or daily peaking operations.

Water Quality Certification under Section 401 of the Clean Water Act, assuring that project development and operations meet State water quality standards, is required for Federal licensing and State permits for hydropower projects. The Maine Department of Environmental Protection administers Water Quality Certification for the State. IF&W provides technical review and comment to this process, and makes specific recommendations as appropriate for fisheries or wildlife resources and maintenance of designated uses.

### **4. Comprehensive Drainage Management**

Operation of downriver hydroelectric facilities may involve manipulation of water in upstream storage reservoirs, perhaps far removed from the generating site. Cumulative effects due to new or continued operation of a specific project or of multiple dams within a drainage should be addressed for all fisheries or wildlife resources, including resource use opportunity as may be applicable. These implications must be considered in initial consultation and in subsequent decision-making. Attention should be given to leveling or evenly releasing storage from different parts of a basin when more than one storage reservoir or re-regulating hydro project exists. Generally the objective will be to minimize extreme or sporadic fluctuations in flow releases which may cause corresponding adverse effects upon aquatic resources. Note, however, that maintaining an approximation of natural

### **5. Fish Passage**

Up stream and downstream fish passage needs must be considered during hydropower licensing. Physical habitat fragmentation, resulting in the separation of free movement and species interchange between river reaches or within different parts of a river basin, was generally not adequately considered or satisfactorily addressed when dams were originally constructed. Inland salmonid species adults may require access to spawning areas, or passage for juveniles to return to impoundments to complete their life cycles. Brook trout and other salmonids, smelt, as well as other species may need unobstructed spawning access into tributaries of impoundments or downstream river sections. Project management of impoundment water levels or downstream flow fluctuations may result in

passage restrictions. And, although not under management jurisdiction by IF&W, restoration of anadromous fisheries often requires passage considerations at inland dams. If new dams are built or old dams, which are not currently obstructions, are repaired, it may be necessary to provide upstream and downstream passage to sustain fisheries resources.

In some cases, dams may provide necessary barriers to upstream movements of non-management, invasive exotic species. Maintenance of such barriers can be important to avoid the spread of invasive species and allow continued effective management of upstream inland fisheries. In such cases, fish passage for more desirable management species may require trapping and sorting provisions to exclude the invasive species.

IF&W is empowered to require a fishway in any dam or other artificial obstruction within inland waters frequented by alewives, shad, salmon, sturgeon or other anadromous or migratory fish species. (Maine Fishways and Dams Act, Title 12 MRSA, Subsection 7701-A). However, both Federal and State hydropower regulatory processes also contain provisions for fish passage consideration. Generally those other provisions are utilized in evaluation and requirements for fish passage at hydropower projects. IF&W reserves the right to require fish passage under the Maine Fishways and Dams Act as may be necessary outside of those processes.

Even the most efficient fishways do not pass all fish reaching a dam. If fishways in several dams must be ascended and/or descended, a run of fish can be significantly depleted. Cumulative effects upon passage at multiple dams must be addressed where applicable. Mitigation for losses may be required.

## **6. Habitat Alteration**

Impoundments usually change flowing (riverine) water to standing (lacustrine) water, thus changing habitat conditions necessary for some species, while favoring other species. For example, young salmon and trout live in flowing nursery areas and loss of these areas reduces the number of adult fish a waterway can produce. Conversely, an increase in slow-moving or lake type lacustrine habitat favors warmwater species such as bass, which may be considered to compete unfavorably with coldwater species or, alternatively, to provide viable fisheries in their own right, depending upon resource management goals. Currently IF&W considers salmonid management as generally the preferred goal where habitat is or can be made suitable.

Wildlife habitat alterations may include loss of terrestrial habitat when an impoundment is created or enlarged, gains or losses of productive wetlands, or alteration of productivity if the impoundment is fluctuated. Riparian habitat management through establishment of protective buffers or Shoreland Management Plans will need to be addressed at most hydropower projects. Mitigation of adverse impacts due to habitat alteration may be required.

## **7. Endangered and Threatened Species**

IF&W administers the Maine Endangered Species Act (Title 12 MRSA, §7751-§7756). Listed species such as freshwater mussels, dragonflies and mayflies may be affected by hydropower project development and operations. Specific studies to identify E/T species occurrence, abundance and effects of project operations may be necessary. Projects affecting endangered or threatened wildlife, species of special concern, or critical habitats will require thorough analysis of alternatives for mitigation of adverse impacts.

## **8. Mitigation of Adverse Impacts**

Mitigation for losses of substantial amounts of significant fisheries or wildlife habitat, alterations of habitat suitability, or public resource use opportunity must be addressed. Evaluation of measures to avoid, minimize, rectify or compensate for losses shall be considered. Determination of types and amount of compensation may require formal studies such as IFIM or the Habitat Evaluation Procedure (HEP), as developed by the USF&WS, to evaluate overall habitat values or use opportunity lost and to provide a comparative basis for proposed replacement. To the extent possible, compensation within the project area is preferred. Offsite compensation measures, but within the project drainage area, or other forms of compensation may be considered.

## **9. Public Access**

Fish and wildlife resource use opportunity by the public may be enhanced or degraded by hydropower projects. Creation of public access to a waterbody where none existed before is an example of enhancement; loss of fishing opportunity if a stream segment is dewatered or subject to extreme flow fluctuations would represent degradation. Existing or potential fisheries or wildlife uses and public use opportunity need to be described, as well as other recreational uses of the project area. Adequacy of existing access and proposals for improvements, if necessary, is to be considered. Development of a comprehensive Recreational Management Plan may be required. In most cases DIF&W encourages development of improved public access to project waters and will recommend that public use be allowed, subject to necessary constraints for protection of public health, safety, and project civil works.

## **10. Monitoring/Adaptive Management**

Measuring the effectiveness of terms and conditions applied to the protection and enhancement of fisheries and wildlife resources, including public use opportunity, may require longer term follow-up monitoring. Adaptive management, evaluating results of monitoring to determine whether prescriptive measures are sufficient or need to be modified, should be considered where appropriate. Purpose and need for monitoring studies and adaptive management should be determined and developed early in the consultation process.

## G1.3

### **ADMINISTRATIVE POLICY REGARDING USE OF CHEMICALS**

There is established within the Bureau of Labor a Chemical Hazards Awareness Education Program.

No employee will be expected to work with, or be exposed to, potentially hazardous chemicals without proper training.

Those employees who are required to use chemicals will be provided with adequate training as provided by the Bureau of Labor. Safety equipment necessary to provide protection will be provided.

A department Chemical Hazard Awareness Program is as follows:

1. Committee – A Chemical Hazard Awareness Committee is formed, comprised of the following:
  - a. Safety Officer
  - b. Chief Engineer
  - c. Hatchery Superintendent
  - d. Property Officer
2. Training Program – A Chemical Hazard Awareness Program is established as follows:

Every employee who handles or works with potentially hazardous chemicals must attend a training course provided by the Bureau of Labor.

3. Awareness:
  - a. A copy of the Chemical Hazard Awareness Program shall be posted at every place where chemicals are used and stored.
  - b. No chemical shall be accepted for use unless the Materials Safety Data Sheet is attached.
  - c. Devices and methods of protection will be furnished for all category employees.
  - d. A card carrying the telephone number of the nearest Rescue Center, Poison Control Center, Fire Department, and Police Department shall be kept near the Chemical Hazard Awareness Program sheet and close to the nearest telephone at every location where chemicals are used or stored.



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## **SECTION H – FISHERIES SECTION H – FISHERIES**

### **DEFINITIONS OF CERTAIN TERMS FOUND IN THIS DOCUMENT:**

**A principal fishery** for a particular species in a water is said to occur when that species is regularly sought after by anglers and makes up a significant portion of the catch in that water.

**Native fish species:** any fish species that occurs/had occurred in a water, or waters without the intercession of humans. Brook trout, lake trout, arctic charr, landlocked Atlantic salmon, white perch, chain pickerel are among the fish species that are native to the state of Maine.

**Native Brook Trout Fisheries in Lakes and Ponds** provide principal fisheries for brook trout that rely entirely on natural reproduction to sustain the fisheries, and have never been stocked, directly or indirectly, with any species. These lakes and ponds are also referred to as “**Heritage Brook Trout Waters**” or “**A List**” waters. The department maintains a list of these waters. Waters cannot be removed from the list without the consent of the legislature (see page 9 for additional information).

**Wild Brook Trout Fisheries in Lakes and Ponds**, or “**B-List**” waters provide principal fisheries for brook trout that rely entirely on natural reproduction to sustain the fisheries and that have not been directly stocked with brook trout for at least 25 years. These lakes and ponds may have received indirect stockings within the last 25 years. The Department maintains a list of these waters and has established policies for adding or removing a water from the “B-List” (see page 9 for additional information).

**Nonnative species:** any fish species that occurs/had occurred in a water, or waters but only through the intercession of humans. Some fish that have been transported to Maine from waters outside of the state include largemouth bass, smallmouth bass, rainbow trout, brown trout, Northern pike and muskellunge, among others. These species are nonnative with respect to Maine.

**Introductory stocking** is done to establish a fish species in a water in which the species was not originally present with the expectation that it will then be able to maintain itself through natural reproduction. Stocking is discontinued when the species has become established.

**Maintenance stocking** is a program of routine, continuous stocking (on various timetables) to supplement or substitute for natural reproduction in waters. Hatchery fish are released, survive and grow in these waters and then are caught by anglers. Biologists sometimes refer to these stockings as put-grow-and-take stockings or biological stockings.

**Put and take stocking** is the stocking of legal-sized fish into waters with the expectation that they will be caught within a short time. Little or no carryover from one year to the next is expected because of seasonally poor habitat. We use the term “catchables” interchangeably with “put and take”.

**Experimental stocking** is used in special situations to help predict the success of stocking new strains, stocking different sizes, or new stocking rates. The program may then be changed, continued, or stopped, depending on results of the stocking.

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### **INTRODUCTION TO POLICIES FOR FISHERIES MANAGEMENT** *(January, 2009)*

It is the policy of the Department to increase the quality and diversity of angling opportunities statewide, as appropriate. This will be achieved by setting statewide management goals and objectives, with the help of public working groups, which shall include, but not be limited to: opportunities to fish for wild, self-sustaining native fish in remote settings; opportunities to fish in urban areas; opportunities to catch trophy fish in some areas and numbers of smaller fish in other waters; management of select non-native species to provide diversity and additional fishing opportunity as appropriate; and efforts to retain and encourage participation in fishing by people of all ages and interests.

Management programs will focus on population manipulation through regulation, stocking, enforcement, and protecting and restoring habitat. Research and assessment will be utilized to determine the outcome of management efforts and to help determine future management opportunities. Education and marketing will be employed to encourage participation and safe and enjoyable use of the resource;

Management decisions shall be based upon the principles of fishery science and assessments of the biological potential of the waters under consideration. Public input will be considered to ascertain angler interest as programs are implemented consistent with the Maine Department of Inland Fisheries and Wildlife's (IF&W's, MDIFW, IFW) goals and objectives for fisheries management.

Conserving native and wild fish populations is our primary responsibility. Public desires and the availability of staff and funding must also be considered when determining the direction and emphasis of the fisheries program. Management focus and priorities must be dynamic in order to account for changing conditions and new information.

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### **H1. POLICIES FOR PUBLIC INVOLVEMENT** *(January, 2009)*

Public working groups will be established during the strategic planning process to assist the Department in developing broad goals and objectives for fishing opportunities. Within geographic areas of the state, fisheries managers, working collaboratively with anglers and other stakeholders, will determine the principal fishery and management objectives for waters they manage. Based on these management objectives, managers will develop management programs designed to produce the desired fishery. Whenever practical, partnerships and volunteers will be employed to assist in the implementation of management programs.

The Division of Fisheries and Hatcheries will gather public input, including holding a public meeting if appropriate, prior to making decisions regarding proposals to make significant changes in long-term management programs. See also sections H3, H4.2, H6.2, and H6.3 for additional opportunities for public involvement in management decisions.

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### **H2. POLICIES FOR FISHERY INFORMATION AND EDUCATION (*January, 2009*)**

Fishery informational and educational emphasis will be directed toward gaining public recognition of and support for Maine's unique fish populations, management opportunities and needs, and the unique fishing experiences provided by different fish populations. Informational and educational efforts will also be directed toward creating a public understanding of fish biology, limiting factors and stocking as a population management tool, as well as the role of regulation in achieving a balanced and healthy population. High priority shall be placed on:

- Developing an ongoing informational and educational effort to increase public awareness of the impacts of illegal fish introductions and to increase public support and assistance with the enforcement of laws designed to discourage these actions.
- Supporting conservation and educational events sponsored by conservation organizations. Fisheries biologists and game wardens will participate in such events whenever possible.
- Informing the public of fishing opportunities and providing educational and marketing programs to encourage angler recruitment and participation.
- Informing the public of the extent and value of the State's native and wild salmonid resources and other significant fisheries and explaining management techniques used to protect them.

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**H3. POLICIES FOR FISHING REGULATIONS AND ENFORCEMENT (*January, 2009*)**

The Department shall develop, implement, review, and update fishing regulations to achieve management objectives that are designed to conserve native and wild fish populations, maintain or improve fisheries and provide a diversity of fishing opportunities.

Regulations will be guided by sound fisheries science, and developed with public input.

Regulations will be implemented to sustain native and wild salmonid populations, to maintain their genetic diversity, and, as appropriate, to increase their contribution to the fishery.

Law enforcement efforts will be encouraged to ensure compliance and to achieve fisheries management objectives in the following priority areas:

- Prevention of illegal fish introductions,
- Protection of threatened and endangered fish populations,
- Protection of native salmonid and wild salmonid populations,
- Protection of fisheries based on “biological” stockings.
- Protection of bass and smelt populations,
- Enforcement related to put and take salmonid fisheries and to warmwater fisheries other than bass.



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### H4. POLICIES FOR STOCKING

Fishery managers will give preference to native and wild salmonid populations where they exist, and will make efforts to conserve them through habitat and regulatory protection.

#### H4.1 Stocking Public Waters (January, 2009)

The Department stocks fish to provide fishing opportunities that would not otherwise be available. Fish culture in Maine is limited to salmonid species (trout and salmon). Warm water species, such as bass, pickerel and perch are prolific and can sustain their populations without stocking.

The Department stocks public waters to benefit the general fishing public, not just those who own shore frontage on the waters of the State. Therefore, the Department will not stock waters that lack reasonable and equitable public access. The following factors will be considered in determining if reasonable and equitable public access exists:

- Size and type of watercraft in common use,
- Type of available access for those that reside on the lake shore (public access should be at least similar to, but no less than that available to shoreline residents),
- Availability of safe and adequate parking,
- Size of the water,
- Juxtaposition to human population centers,
- Current and future potential use,
- Kind of fishing opportunities in common use (present & potential),
- Seasonal fishery management focus
- Existing shoreline development,
- Availability of existing access for use by the general public (considering use fees, hours of operation, residency/affiliation requirements, and other potential limitations/restrictions).

*Introductory stocking* is done to establish a fish species in a water in which the species was not originally present with the expectation that it will then be able to maintain itself through natural reproduction. Stocking is discontinued when the species has become established.

*Maintenance stocking* is a program of routine, continuous stocking (on various timetables) to supplement or substitute for natural reproduction. This kind of stocking is done where there is suitable habitat for fish to survive year-round and grow, where habitat for natural reproduction is limited or non-existent, and where potential angler use is sufficient to ensure that the stocked fish will be caught. Hatchery fish are released, survive and grow, and then are caught by anglers.

*Put and take stocking* is the stocking of legal-sized fish into waters with the expectation that they will be caught within a short time. These waters may not provide habitat conditions suitable to sustain year-round fisheries; however, angling opportunity is created for short time periods, such as the spring open water season, fall open water season, or the ice fishing season. Little or no carryover from one year to the next is expected because of seasonally poor habitat. These waters are typically very accessible, and they are often located near

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population centers. The primary objective of stocking legal-size fish is to provide anglers with the opportunity to fish for salmonids where they might not otherwise have that opportunity, and to take home fish that are safe to eat.

*Experimental stocking* is used in special situations, for example, to help predict the success of stocking new strains, stocking different sizes, or new stocking rates. The program may then be changed, continued, or stopped, depending on results of the stocking. As appropriate, public input will be sought prior to initiating experimental stockings (see following section).

### H4.2 Proposals to Initiate New Stocking Programs (June, 2014)

- A. **State Heritage Fish Waters cannot be stocked with any fish species from any hatchery or wild source without legislative** approval (Sec. 2.12 MRSA 12461). See also Section H6.2 and H6.4.6 in this document for additional policies regarding the management of native salmonids and State Heritage Fish Waters.
- B. Formal proposals will be prepared to initiate **new** salmonid stocking. Although requests to stock may originate from the public, administrative staff, etc., formal proposals will be prepared and presented by the Regional Fisheries staff in the region in which the fishery occurs.

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Formal proposals to stock will include the following elements:

1. Name of water, watcode, location, etc;
2. Lake inventory printout,
3. Map showing any State Heritage Fish Waters in the drainage,
4. Management history including regulations, stocking, etc.,
5. Type of program proposed, i.e. introductory/maintenance/experimental;
6. Source of fish, i.e. hatchery stock or feral stock,
7. Plans for evaluation

Needs work by DB Completed proposals to stock will be presented to the Administration. The Administration will, after careful consideration, return them to the appropriate Regional Biologist with instructions to proceed to the peer review as is, or to modify the proposal. If modifications are requested, the Regional Biologist will make the changes indicated and send the proposal back to the administrative staff for their approval after which the Region will submit the approved proposal for peer review. The peer review will be conducted by a committee consisting of at least one person from each regional fishery staff, at least one person from the Bangor fishery research staff, the Fishery Management Supervisor, and up to two fisheries (or closely related field) scientists not directly employed by the Department. The Director of Fisheries will select the committee members. The Fishery Management Supervisor will serve as the chair. Deliberations can be in the form of e-mail, conference call, or meetings. Each committee member will carefully consider all of the elements of the proposal. The committee will return the proposal to the Administration with their recommendation for:

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1. Approval as presented,
2. Modification, *or*
3. Denial.

Proposals recommended for modification will be returned to the affected regional office and, subsequent to appropriate modification, resubmitted to the peer review committee within 30 days for final approval. Modified proposals not returned to the peer review committee within 30 days will be considered denied.

Proposals that have successfully passed the Fisheries Division's peer review process will be presented for public input in accordance with Sec. 1.12 MRSA 12758-A. When the Bureau of Resource Management plans to stock an inland water for the first time or to stock a new fish species or permanently stop stocking a fish species that is currently being stocked in an inland water, the department shall notify the public as provided in this section and allow for public comments on the stocking plan prior to implementing that plan. The department shall include on its publicly accessible website, in a manner that is easily identifiable and accessible by the public, notice of fish stocking plans identified under this section and allow public comment within a reasonable period of time. The department shall also provide notice by e-mail to organizations and individuals who have requested such notice. The department shall provide notification as provided in his section at the same time the stocking plan becomes a Department proposal. This section does not apply to a private pond or a fishing program for children.

Public outreach to accomplish this may utilize public meetings, the Division's Weekly Fishing reports, and/or local, regional and/or statewide media including newspapers, radio, and/or television. Public input will be accepted in the form of oral comments, letters, and/or e-mail. Public input received as a result of outreach will be reviewed and considered in making the final decision. A Fishery Administrator will be responsible for making the final decision.

- D. All introductions of non-salmonid fish and other organisms into waters where they do not occur require peer review by the Division of Fisheries and Hatcheries and approval of a Fisheries Administrator and public input in accordance with Sec. 1.12 MRSA 12758-A.

Certain Additional Procedures Apply to Proposals to Stock and/or Transfer the Following Organisms:

1. Black bass:

The staff pathologist of the Division of Fisheries and Hatcheries must examine a sample of live bass from the donor water for pathogens and parasites of regulatory concern.

2. Crayfish:

The staff pathologist of the Division of Fisheries and Hatcheries must examine a sample of live crayfish from the donor water for pathogens and parasites of regulatory concern. In the interest of preventing the potential

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transfer of fish diseases or parasites and to reduce the potential for impact to native species, only species of crayfish native to Maine waters will be transferred; crayfish from waters outside Maine will not be used. Crayfish can be a second intermediate host to *Paragonimus westermani*, a lung fluke that can parasitize humans.

### 3. Other Species:

Each transfer is subject to approval by a Division of Fisheries and Hatcheries Administrator following peer review, followed by a fish health inspection of a sample by the staff pathologist before the transfer can occur. The staff pathologist will also examine a sample of any other aquatic organism proposed for stocking in inland waters before such a stocking can occur.

### 4. Smelts:

Smelt transfers using eggs will be made only after proper salt dip to treat against transfer of *Glugea hertwigi*. Experimental transfers of adult smelts or stockings of smelt fry will require peer review and approval by a Fisheries Administrator. Experimental smelt transfers and/or stockings will require appropriate evaluation to determine their results and effectiveness.

E. Fishless Ponds: proposals to stock fishless ponds require review per H4.2-B, above.

#### H4.3 Stocking Private Waters (January, 2009)

Before **any fish** can be stocked into **any Maine water**, a stocking permit is required from the Department.

Private waters are not generally stocked by the Department of Inland Fisheries & Wildlife, except for fishing events held in conjunction with educational or special programs sanctioned by the Department, or where equitable access provisions are extended to the public.

For permitted stocking of private waters, fish can be purchased within Maine from any of several private commercial hatcheries. Anyone planning to import fish into the state must first contact the Department for importation requirements. All stockings of hatchery-reared fish into privately owned waters in Maine require stocking permits from the Maine Department of Inland Fisheries and Wildlife.

#### H4.4 Private Stocking in Public Waters (January, 2009)

As public waters belong to the people of Maine, there shall be no private stocking of any public water:

- which drains directly or indirectly into a state or private fish cultural station water supply,
- where fish with diseases or parasites would pose a potential problem to wild populations,

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- where there is dissimilar private and public access to the water for fishing, or
- where private stocking would interfere with this Department’s fisheries management programs.

Proposals for private stockings of public waters should comply with appropriate DIFW guidelines and procedures in this document.

### H4.5 Illegal Stocking (January, 2009)

Unauthorized introductions of invasive, exotic fish species are particularly destructive to Maine's native fishery resources, and they may also cause irreversible changes to entire aquatic ecosystems by restructuring plankton and forage fish communities that have evolved since the last glacial retreat. Strategies to eliminate or control invasive fish are costly, difficult to design and implement, and often almost entirely ineffective.

The unauthorized introduction of fish into any Maine water is illegal. Emphasis will be placed on preventing unlawful acts (see Policy H3). If unlawful introductions do occur, the Department has established a rapid response policy designed to isolate and, if possible, eliminate invasive fish and aquatic fauna (see Policy H9).

The Department will remove any specific regulatory protection to a fish species illegally introduced subsequent to the effective date of this directive. Furthermore, when a practical benefit can be reasonably expected, the Department will adopt regulations designed to maximize the take of the illegally introduced species, and may also implement other appropriate management strategies designed to eliminate them or control their numbers.

### H4.6 Stocking, Transferring, and Disposing of Dead Fish at State Hatcheries (January, 2009)

Todd needs to review/update if needed To clarify existing procedures, policies, and regulations affecting the stocking and transfer of live fish, and the disposal of dead fish at State Fish Hatcheries and Rearing Stations, the following guidelines are established:

#### 1. Stocking Fish

All Fish and Wildlife Department stockings of hatchery-reared fish into public waters in Maine require stocking orders from the Superintendent of Hatcheries or a Director of the Fisheries Division.

Two statutes in Title 12 MRSA address the stocking of fish from state fish hatcheries and rearing stations. Chapter 923, Subchapter 2, section 12510, 2) states “The Commissioner may issue a written permit allowing a person to introduce fish of any kind into any inland waters by means of live fish or otherwise.” Stocking orders written by the Superintendent of Fish Hatcheries serves as the permit. Chapter 923, Subchapter 2, section 12511, 1) states that “A person is guilty of illegally introducing fish or fish spawn if he introduces fish or fish spawn raised by the Department into a private pond.” No fish raised in state facilities can be stocked in private ponds, except that such an introduction may be

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permitted for fishing events held in conjunction with educational or special programs sanctioned by the department or where equitable access provisions are extended to the public. Specific details of stocking procedures and responsibilities are covered in a separate policy.

### 2. Transferring Fish

Live fish are to be transferred to other state fish hatcheries, rearing stations, other agencies, persons, etc., only when orders are issued by the Superintendent of Fish Hatcheries, or a Director of the Fisheries Division. Hatchery managers will file with the central office a transfer slip describing the species, number, weight, lot number, date, and destination of all fish or eggs to be transferred.

### 3. Disposal of Dead Fish

All mortalities occurring at state fish hatcheries and rearing stations shall be properly disposed of. Routine mortalities are normally dumped in a landfill, buried on station or incinerated. Occasionally mortalities may be transferred to wildlife personnel for feeding animals and birds. Sometimes edible fish are sacrificed if they are unsuitable for release into public waters or if they are part of a fish health sampling program. These fish may be made available to non-profit groups for humanitarian reasons, or utilized for animal feeding. A transfer slip shall be filed, as above, describing the dead fish and their ultimate disposal. Under no circumstances will naturally occurring mortalities or sacrificed fish be given to anyone without authorization by the Superintendent of Fish Hatcheries or a Director of the Fisheries Division.

#### H4.7 Fish Stocking Procedures and Responsibilities (January, 2009)

Todd, ditto Fish stocking activities resulting from fish produced at State Fish Hatcheries and Rearing Stations are a substantial part of our overall fishery management programs and contribute to a major portion of the fishing opportunity for coldwater fisheries statewide. Hatchery-reared fish are stocked at sub-legal size to supplement wild populations where natural reproduction is inadequate to maintain a fishery or to replace natural reproduction where spawning habitat is absent. Legal-size fish are stocked to provide fisheries in acceptable habitats where natural reproduction cannot occur and growth and long term survival is not expected and to provide easily accessible recreational fishing opportunities to the public. Because of the importance of these fish to management programs, it is essential that they be handled and stocked in a manner that will assure the highest possible survival. The following guidelines have been developed over many years to produce the best possible returns from these fish, thereby enabling the fishing public to get the most for their stocking dollar:

#### I. General Instructions and Procedures

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- A. No fish shall be stocked in any water without stocking orders. During stocking, any changes to the stocking orders must be authorized by the Superintendent of Hatcheries or a Director of the Fisheries Division before being enacted or returned to the hatchery. Biologists, Wardens and Fish Culturists do not have the authority to change stocking orders in the field.
- B. Identifying the proper stocking location is very important. All hatchery transport trucks shall be equipped with a Delorme Maine Atlas and Gazetteer and truck drivers will refer to these maps when traveling to unfamiliar waters. Hatchery personnel will refuse to stock a water if there is any doubt as to the correct identity of the water. If a biologist or warden fails to show up at the designated place and time, hatchery drivers will attempt to contact that person or an alternate by radio or telephone if possible. If not, the driver will stock the fish only if absolutely certain of the water's identity and if the fish have a reasonable chance to survive without being boated. Otherwise, the fish will be returned to the hatchery.
- C. The driver will avoid stocking near lake outlets and hazards that could compromise the survival of stocked fish.
- D. In the event of a breakdown, drivers will not stock alternate waters unless they have stocking orders. Transport trucks will be equipped with directories of radio call numbers and telephone numbers. Drivers will call for assistance and attempt to keep their fish alive until help arrives. Do not add water from brooks or lakes to transport tanks unless equipped with an adequate filter to remove fry of rough fish, etc. It is better to lose a load of fish than to stock the wrong water or to inadvertently stock rough fish into new waters.
- E. The hatchery truck driver has complete responsibility over all stocking to see that it is done properly. Hatchery personnel have more training and experience in handling fish and are in a better position to know the stress limits of their fish than any other person on the scene. The driver will determine the number and/or weight of fish to be carried in buckets or cans used for boat stocking. All losses or unusual incidents should be noted on planting receipts. Excessive losses shall be reported to the Augusta office promptly by telephone so that arrangements can be made to replace lost fish. Hatchery truck drivers will initial each planting receipt for which they are responsible.
- F. Whenever fish transport trucks or other equipment are used to haul any fish from any hatchery or water source other than the facility to which the truck is assigned, the equipment shall be completely disinfected before and after the task is completed. The disinfection process should be completed before the truck leaves the location of the most recent water contact. Disinfection should be completed according to protocol established by the Department's Fish Pathologist.
- G. Hatchery managers will coordinate with regional fisheries staff to arrange stocking schedules that are designed to be as beneficial to fish survival as possible and that are compatible with hatchery operating schedules. Written stocking schedules are to be shared with the appropriate fisheries management regions to coordinate and optimize

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work efforts between hatcheries and fisheries staff. Just prior to the specific stocking, the hatchery manager will inform the Warden Service Headquarters of the waters in their areas where fish will be stocked. It is the responsibility of the Warden Service administration to notify the District Warden of the upcoming stocking.

H. At no time shall a state record fish be stocked into public waters. Special care must be taken when loading and stocking very large fish or long-lived brood such that every fish must be individually handled to ensure correct size and species identification.

### II. Boat and Shore Stocking

A. Lake Trout - All will be boated unless noted otherwise on stocking orders. Salmon - All will be boated unless noted otherwise on stocking orders. Brook Trout - All will be shore stocked unless noted otherwise on stocking orders. Brown Trout – All will be shore stocked unless noted otherwise on stocking orders. Rainbow Trout - All will be shore stocked unless noted otherwise on stocking orders. Splake – All will be shore stocked unless noted otherwise on stocking orders.

B. When fish are scheduled to be boated, it is acceptable to shore stock the last few fish remaining in the tank.

C. No fish shall be boated unless proper aeration such as 12-volt agitators or compressed oxygen is provided for each container.

### III. ATV Transport

ATV's and trailers that are properly equipped with containers, as described above, may be used to transport fish from the hatchery truck to inaccessible waters. ATV's shall be operated according to the policy governing their use.

### IV. Back Pack Transport

Fish may be transported to inaccessible waters by back pack when properly prepared at the hatchery in plastic bags with insulated containers or with special back packs. The fish should be starved for 48 hours prior to transport. Water should be chilled and approximately  $\frac{3}{4}$  of the volume of the container must be pure oxygen. Specific details on loading densities of different sizes of fish, etc. are available from the Superintendent of Hatcheries.

### V. Airplane Stocking

- A. Airplane stocking is expensive and limited by available aircraft and pilots. Waters to be stocked by airplane must be scrutinized carefully to be sure that alternate means of access are not feasible and economical.
- B. Prior to each stocking season, a list of waters to be stocked by airplane will be prepared in Augusta giving information on the loading sites, species, approximate weight of fish to be stocked in each water, and the number of tank-loads with/without oxygen to enable pilots to plan their flights.



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- C. The pilot coordinator shall advise hatchery managers of the anticipated dates of airplane stocking and identify the pilots for individual flights/sites. Sufficient notification should be given when possible to enable fish to be starved 48 hours prior to transport.
- D. Hatchery managers will advise regional fishery personnel of the anticipated dates when fish will be stocked by airplane in their regions after arrangements have been made with the pilots. It is up to the regional biologist to contact the pilots if they desire to be present at stocking time.
- E. Warden pilots shall not stock any waters that are not designated by authorized stocking orders, nor shall they stock any water if there is any question of its proper identity. To ensure the best possible survival of the fish, Warden Pilots shall land on the designated stocking water before releasing the fish if at all practicable. Preprogrammed G.P.S. (Global Positioning System) coordinates for waters to be stocked, referenced by the water code numbers have been provided to each warden aircraft. The G.P.S. program is to be used to ensure that the correct waters are stocked. If problems with the system or incorrect coordinates occur, it is the responsibility of the Warden Pilot to ensure that corrections are made.

### VI. Loading Sites

- A. Lakes and Rivers – Sites for loading floatplanes are carefully selected with regard to the species present, distance to the waters being stocked, and accessibility to trucks and aircraft. Airplane stocking shall be conducted only from the sites designated on the written orders. Changes in this regard cannot be made in the field without permission from Augusta. Under no circumstances will a more distant point be substituted for the convenience of truck drivers or pilots. Remember, the fish are all important. Some species cannot be flown from waters where they are not already established or where they could cause problems if some escaped. Some examples: Do not fly lake trout from Rangeley Lake. Do not fly brown trout from Rangeley Lake, Moosehead Lake, or Chesuncook Lake.

### VII. Loading

- A. Whenever several trucks are involved with airplane stocking at a single location (e.g. Embden, Greenville, Rangeley), the hatchery manager supplying the bulk of the fish shall appoint an experienced fish culturist to coordinate the day's operations. This person will take the first load of the day to the site and remain there throughout the day to oversee the loading and handling of fish.
- B. The loading coordinator will have authority over hatchery staff at the flight location. He will hold or release staff as needed for loading aircraft. He should make every effort to release staff with the greatest distance to travel as early as possible to avoid unwarranted long workdays.
- C. Do not fill airplane tanks with lake water unless equipped with proper filters to exclude eggs and fry of unwanted rough fish species. Nearly all major airplane

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loading sites on lakes and rivers have rough fish such as yellow perch that could be inadvertently transferred with water.

- D. Combination loads for more than one destination shall not be hauled at the same time on the same aircraft. An example would be lake trout and salmon loaded into separate tanks on the same flight and destined for two different lakes. A combination load is acceptable when all of the fish are destined for the same lake.
- E. Factors such as species, fish size, fish condition, water chemistry, water temperature, air temperature in flight, length of flight and whether or not oxygen is used all affect the size of loads that can safely be transported. The carrying capacities of our airplane tanks have been carefully determined. The loading limits that have been established are maximum limits for the flying of fish under optimal conditions. Maximum loads may be taken if the flights do not exceed 20 minutes and the water temperature for brook trout, splake, and brown trout does not exceed 63 degrees F. Lake trout and Sunapee trout should not be transported if the water temperature is above 63 degrees F. The hatchery employee acting as loading coordinator will use good judgment in reducing the load sizes whenever conditions are less than ideal. Maximum load limits are not to be exceeded under any circumstances. If you have just a few more pounds than the tanks should be loaded with make two flights with light loads.

MAXIMUM LOAD LIMIT

	<u>With Oxygen</u>	<u>Without Oxygen</u>
<u>Cessna Tanks</u>		
Brooks/Browns/Splake/Rainbows	90 lbs/41 kg	60 lbs/27 kg
Salmon/Togue	45 lbs/21 kg	30 lbs/14 kg

VIII. Aborted Missions

- A. Whenever bad weather or aircraft breakdown prevents flying after the truck(s) reach the loading site, hatchery managers or stocking coordinators may be able to provide their drivers with alternate waters to stock if they have stocking orders for the same species, strains and ages in that area. If substitutions cannot be made practicably, the loads must be returned to the hatchery of origin.
- B. On occasion, bad weather or mechanical problems will cause aircraft to return to the loading site with the fish still on board. The fish may be removed by dumping the aircraft tanks into a section of seine netting and carried back to the truck. CAUTION. If the aircraft tanks were loaded with water from any source other than the origin of the fish, such as filtered lake water, water from other hatcheries, etc., the fish cannot be returned to the hatchery but with the exception of splake may be stocked in the water where the flight originated. Should aircraft safety be of concern, the Warden Pilot will make decisions in compliance with Warden Service Policy #30 – Aviation.

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If the aircraft tanks are loaded and the scheduled water cannot be stocked, the Warden Pilot, should contact the hatchery manager or the stocking coordinator for alternative waters as described in H4.7, VIII-A. If no alternate water can be located and the pilot is unable to return to the loading site, the fish should not be stocked. If the flights are cancelled and no alternate stocking waters are known, the driver must contact Augusta for further instructions.

- C. The pilot who actually stocks the fish must sign the planting receipts. If more than one pilot stocks a water, all names should be noted on the receipt.
- D. Any unusual incidents (accidental tripping of tanks), excessive losses or mortalities should be noted on the planting receipt and reported to the Augusta office the same day. Arrangements will be made to replace lost fish whenever possible.

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### **H5. POLICIES FOR ACCESS AND FISHING OPPORTUNITY**

#### **H5.1 Public Access** *(January, 2009)*

The purpose of the Department's Access Program is to ensure that the public is able to gain access to Maine's public waters and to the fisheries within them. By law, all great ponds belong to the people of Maine. Private land ownership may limit access to great ponds. Because fishing opportunity is dependent on the public's ability to access the waters to fish, acquiring publicly-owned points of access is critical, especially in areas where heavy development or restrictive private access already limits legal public access.

It is also important to provide legal public access to flowing waters, although there is no parallel legal right to use flowing waters. Such acquisitions must, therefore, include enough land to allow access to stretches of the river or stream.

The Department supports the right for anglers to access all publicly owned waters. However, the level of desired public access is not the same for all waters (see H4.1). A policy of appropriate access, consistent with the strategies delineated in Maine's public access plan<sup>1</sup>, is recommended. Undeveloped access is recommended on selected waters (including Remote Ponds) to maintain traditional fishing experiences and to discourage overexploitation.

The Department will not stock waters that lack reasonable and equitable public access. (See Policy H4.1)

#### **H5.2 Youth Fishing Initiatives** *(January, 2009)*

It shall be the policy of the Department to promote and support fishing opportunities for junior anglers through Department sanctioned Hooked on Fishing events sponsored by fish and game clubs and other private organizations, Youth Field Day events sponsored by the Department and sporting organizations, and other initiatives such as the creation of urban fishing opportunities for warmwater and coldwater fish species. Department employees shall support the promotion, planning, coordination and execution of these opportunities. Plans shall be made for the production of hatchery fish to meet the anticipated needs of this program. Consideration should be given to supplementing existing youth opportunities or adding additional youth opportunities when unscheduled fish are allocated.

#### **H5.3 Angling Opportunity on Public Water Supply Sources** *(January, 2009)*

Whereas, scientific studies have shown no measurable impact on reservoir water quality by anglers, and whereas, the Commissioner of Inland Fisheries and Wildlife under State of Maine law has the responsibility for the management of all inland fish and wildlife in the state, the Maine Department of Inland Fisheries and Wildlife adopts the following policy: The Maine Department of Inland Fisheries and Wildlife opposes the closure to angling of any

<sup>1</sup> Strategies For Addressing Site Acquisition, Development, and Management Issues (pp43/58), in: Strategic Plan For Providing Public Access to Maine Waters For Boating and Fishing. Prepared by: The Maine Department of Conservation and Inland Fisheries and Wildlife, March, 1995.

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body of water solely because that body of water is, or may be, a source for public drinking water.

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### H6. POLICIES FOR SPECIES MANAGEMENT

#### H6.1 Endangered or threatened fish populations (January, 2009)

No action will be taken which poses unreasonable risk to recovery efforts for state and federal Threatened or Endangered species. Management of Threatened or Endangered species will be directed towards their recovery. Management strategies may include habitat protection and restoration, special law enforcement details, research directed at determining factors limiting recovery, stocking of suitable habitats, information and education programs leading to appreciation and support of the species and support for the recovery effort. A high priority shall be placed on securing funds to conserve these species.

#### H6.2 Native Salmonids (January, 2009)

***Maine’s native salmonids represent unique, valuable and irreplaceable ecological and angling resources. The Department of Inland Fisheries and Wildlife recognizes the historic and economic importance of Maine’s native salmonids and, furthermore, focuses on conserving and protecting these aquatic resources.***

Native salmonid populations are naturally occurring, self-sustaining populations of landlocked salmon (*Salmo salar*), lake trout (*Salvelinus namaycush*), arctic char (*Salvelinus alpinus oquassa*), and brook trout (*Salvelinus fontinalis*) that have not been influenced by stocking of the same species in the same water, or by the same species in the same drainage where migration into the native population’s water is possible. The Department shall maintain records, to be reviewed and updated on a regular basis, of the total number of native salmonid waters and the status of the populations in these waters. Indicators of population’s status are summarized in the Department’s Inland Fisheries Management Plans. These data will be used to monitor the status of Maine’s native salmonid resource. Within the confines of personnel and financial limitations, the Department should undertake a systematic program of genetic analysis of native salmonid populations to determine the degree of genetic variability within the State.

Management will be directed toward preserving Maine’s remaining native salmonid populations, and providing fisheries consistent with this goal. Management objectives for native populations will be developed with public input, and included in the Department’s Inland Fisheries Management Plans.

In waters with principal fisheries for native salmonid populations (other than brook trout and charr in lakes and ponds defined as State Heritage Fish Waters [Section H6.4]), stocking fish of the same species as the native salmonid species will not occur unless it is necessary to maintain the management objectives for that species. A proposal to stock the same species as the naturally occurring native species will require peer review by the Division of Fisheries and Hatcheries, an opportunity for public input, and approval by a Fishery Administrator (see Policy H4.2).

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Species other than those already present in ongoing management programs will not be stocked without peer review by the Division of Fisheries and Hatcheries, an opportunity for public input, and approval by a Fishery Administrator (see Policy H4.2).

Management of non-native species shall not conflict with conserving native salmonid populations.

The Department shall encourage protecting native salmonid habitat:

- a) by supporting applicable environmental protection laws and in accordance with Department Policies;
- b) by zoning initiatives, such as shore land zoning in cities and towns, or the Land Use Regulation Commission's Land Use Districts and Standards in the unorganized areas;
- c) by monitoring water quality in native salmonid waters, as appropriate; and
- d) by working with conservation organizations and local groups to restore and enhance native salmonid habitat.

### H6.3 Wild Salmonids (*January, 2009*)

These are ~~self-sustaining~~self-sustaining populations of salmonids that a) were created by stocking and are now able to fully or partially sustain a viable fishery through natural reproduction, b) are native (indigenous) populations in waters that have been stocked with the same species to enhance the fishery, or c) are native (indigenous) populations that may have been influenced by stocking of the same species in the same drainage where migration into the native population's water is possible.

Wild salmonids in some waters cannot sustain established fishing quality objectives without supplemental stocking, and therefore these waters are stocked regularly to augment natural reproduction. Stocking of fish of the same species as the wild species will not occur unless it is necessary to maintain the fishing quality objectives for the fishery. The Department will solicit public input into this decision-making process. The public will also provide input into management options to encourage a higher quality fishery.

Stocking other fish species will not occur unless it is reasonably certain that stocking will not conflict with achieving the wild fishery management objectives that have been developed with public input.

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### H6.4 State Heritage Fish Waters *(June, 2014)*

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All of 6.4 needs work by DB State Heritage Fish Waters are waters that contain both native and wild brook trout and/or arctic charr. The MDIFW recognizes the unrivaled ecological, cultural, and economic importance of Maine’s brook trout and arctic charr resources, and strives to conserve and protect these unique natural resources. The primary objective in managing native and wild brook trout and arctic charr fisheries in lakes and ponds shall continue to be to maintain current, self-sustaining fisheries, in so far as possible, without resorting to stocking domesticated and/or non-heritage strain brook trout or arctic charr.

The Department’s current Administrative Policy for Managing Maine’s Native and Wild Salmonids and State Heritage Fish Waters, the Strategic Management Plans for brook trout and arctic charr, and the Eastern Brook Trout Joint Venture plans and assessment information continue to be an effective approach to preserve, protect, and enhance wild trout and other coldwater fisheries in the State. These policies and documents shall collectively serve as the guiding documents for managing all State Heritage Fish Waters.

#### H.6.4.1 State Heritage Fish Water Criteria

The MDIFW will maintain a current list State Heritage Fish Waters that will be made public and will be posted on the Department’s website. This list will be reviewed and updated annually (by December 15<sup>th</sup>) when new biological information is available (e.g., new pond survey data); if appropriate, recommendations will be made for amending the list, based on the following criteria:

1. State Heritage Fish Waters shall maintain a principal fishery defined as: lakes and ponds with self-sustaining<sup>2</sup> brook trout and arctic charr populations that are sufficiently high in abundance to sustain fishing quality and are readily captured by anglers and by scientific sampling methods during biological surveys.
2. State Heritage Fish Waters have not been directly stocked with any species for at least 25 years.

This list will be dynamic because lakes and ponds will be added or subtracted as they are discovered to meet or fail to meet the criteria for inclusion. A summary report including the list of State Heritage Fish Waters and any changes that occurred within a given year will be provided to the Maine Legislature Joint Standing Committee on Inland Fisheries and Wildlife by January 15<sup>th</sup> of each year.

#### H6.4.2 Process for Amending the List of State Heritage Fish Waters

For each water proposed to be added to, or removed from, the State Heritage Fish Waters list, a summary report will be developed by the MDIFW Regional Biologist describing the water’s physical and biological characteristics as they relate to wild brook trout and arctic charr

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<sup>2</sup> A self-sustaining population relies entirely on natural reproduction; that is, stocking is not required to support the population and sustain viable sport fisheries.



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production capabilities, historic and current management programs, and present public use, if available. Each summary report will be evaluated by a review team consisting of 1) the Regional Fisheries Biologist proposing the change; 2) the Fisheries Division Director, and 3) the Fisheries Management Supervisor. Proposed changes and accompanied summary reports are due to the review team by September 1 of each year. The review team will provide their recommendations for change in writing by October 1 of each year to the Administration with their recommendation for:

1. Approval as presented;
2. Modification; *or*
3. Denial.

When proposals are approved, the Department will then initiate the routine technical process for consideration as established in Title 12 §12461 and §12462 and described below.

Proposals recommended for modification can be changed as indicated and resubmitted to the review team for consideration within 30 calendar days of their receipt in the affected regional office. Failing that, these proposals will be treated as denied.

Proposals recommended for denial cannot be forwarded to the review team for reconsideration for at least one year after the initial denial.

**H6.4.3 Public Notification of Proposed Changes to State Heritage Fish Waters List**

A proposal for amending the list of State Heritage Fish Waters that has successfully passed the Department’s review process will then be formally presented for public input in accordance with §12462. All proposals will be posted on the Department’s website for public review and comment for a period of 30 days (October 15 – November 15). Public input and comment in the form of letters, e-mail, etc. will be accepted during the open 30 day comment period. Public input received as a result of outreach will be reviewed and considered by the Administration in making the final decision.

**H6.4.4 New Pond Surveys**

New pond survey data will be reviewed by regional biologists. The regional biologist will propose recommendations for adding a new pond to the list of State Heritage Fish Waters when the biological and physical data from the new pond is supportive of this action, as described in Section H6.4.2. If the proposed water for addition is approved through the Department’s review and public comment processes described above, *and* if that water does not have the minimum S-4 (No Live Fish as Bait) regulation imposed, the regional biologist will propose a regulation change for this water during the annual regional RegsComm meeting (typically April). If approved by the Commissioner, the Department will then initiate the routine technical process for regulatory change as established in Title 12 §12461 and §12462.

**H6.4.5 Timeline for Amending List of State Heritage Fish Waters**

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DB and CT need to review this for accuracy For new pond additions that require a regulation change, **Step 1** is to change the regulation following the established Department rule-making process for regulation changes. Once a minimum S-4 regulation is approved for a water proposed to be added to the State Heritage Fish Waters list, **Step 2** involves a 30-day public comment period on waters proposed to be added to, or removed from, the list.

**Step 1:**

**April:** Regional proposals for regulation changes (including imposition of minimum S-4 regulation on newly surveyed waters containing State Heritage Fish with the intent of adding that water to the State Heritage Fish Waters list) presented at annual RegsComm meeting.

**May – September:** Advisory Council Steps 1 & 2 for regulation changes.

**Step 2:**

**By September 1:** Regional proposal for adding/removing water from the list of State Heritage Fish Waters presented to review team. **Important:** If a proposed water for addition requires a regulation change to meet the mandatory S-4 regulation, the regulation change must occur prior to the water being proposed for addition to the list of State Heritage Fish Waters (See Step 1). If the proposed water for addition does not have the appropriate regulation, a regulation change must be proposed the following year, beginning at the April RegsComm meeting, then the water can be proposed for addition to the list.

**By October 1:** Review team presents recommendation of change to the State Heritage Fish Waters list to the Administration.

**Between October 15 – November 15:** 30-day public notification and comment period for proposed changes to the list of State Heritage Fish Waters.

**December 15:** State Heritage Fish Waters list final review and adoption of changes (additions/deletions) approved by the Administration.

**January 15:** Summary report presented to the Legislature regarding changes to State Heritage Fish Waters list, including the amended and updated list of waters.

H6.4.6 Stocking State Heritage Fish Waters

In State Heritage Fish Waters where natural reproduction and recruitment of brook trout becomes compromised due to local changes in habitat conditions, fish assemblage, etc., fisheries may be provided by planting hatchery-reared or transplanted wild brook trout (in the case of pond reclamations) as outlined in MDIFW’s stocking policy regarding native and wild salmonids (Sections H6.2 and H6.3). Any direct stocking of a State Heritage Fish Waters will be subject to the same peer and major substantive or routine technical process processes outlined in Title 12 §12461 and §12462, respectively and §12758-A.

A decision to stock would, however, warrant immediate removal from the State Heritage Fish Waters list until it is deemed that the water meets the criteria outlined above.

H6.5 Smelts (January, 2009)

Smelt management is guided by priorities developed by public working groups charged with developing goals and objectives. Management objectives, in order of priority, are as follows:

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- 1) Provide forage for salmonids;
- 2) Provide a recreational fishery for smelts where it will not adversely impact salmonid forage; and
- 3) Provide opportunity for commercial smelt fisheries where it will not conflict with salmonid forage or recreational smelt fishing.

Policy H4.2 (Stocking and Transferring Fish and Forage Organisms) provides guidance for stocking smelts.

### H6.6 Bass Fisheries (*January, 2009*)

Where they occur in conditions that favor maintaining a warm water fishery, bass are managed for self-sustaining populations that support a principal fishery. As appropriate, management efforts in these waters will be primarily directed toward maintaining self-sustaining fisheries with an emphasis on high size quality but, nevertheless, offering a variety of angling opportunities.

Smallmouth bass and largemouth bass are not native to Maine. Since the late 1800's, they have been introduced, both legally and illegally, throughout much of the State. The management goal for both species is to maintain their present distribution, and limit any new introductions to waters where they will not threaten existing sport fisheries. The continued unauthorized expansion of the range of bass in Maine is a serious threat to coldwater game fish populations. Further illegal introductions will be vigorously discouraged. Policy H4.2 (Stocking and Transferring Fish and Forage Organisms) provides guidance for stocking non-salmonid fish species and other aquatic species.

The Department shall afford no specific regulatory protection to black bass populations established subsequent to the effective date of this policy. When a practical benefit can be reasonably expected, the Department will adopt regulations designed to maximize the take of the illegally introduced species, and may also implement other appropriate management strategies designed to eliminate or control them.

Bass clubs will be encouraged to provide educational programs to encourage angler recruitment and participation and to promote fisheries aquatic conservation and education. Fisheries biologists, game wardens and other Department employees are expected to participate in such events whenever possible.

### H6.7 Warm Water Fisheries (*January, 2009*)

These are self-sustaining populations of perch, pickerel and other warm water species in waters where they constitute the principal fisheries. Management will be directed toward maintaining these fisheries and promoting their recreational use, especially for new anglers. Where principal fisheries for wild salmonids coexist with warm water species, and where it is practical to maintain a coldwater fishery, priority will be given to managing the wild salmonids.

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H6.8 Northern Pike, Muskellunge, and Black Crappies *(January, 2009)*

All three of these species are not native to Maine. Each constitutes a serious threat to existing fisheries, especially fisheries for coldwater game fish. Further illegal introductions will be vigorously discouraged.

The Department shall afford these species no specific regulatory protection. When a practical benefit can be reasonably expected, the Department will adopt regulations designed to maximize the take of the illegally introduced species, and may also implement other appropriate management strategies designed to eliminate or control them.

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### **H7. POLICY FOR INVESTIGATING AND REPORTING FISH KILLS** *(January, 2009)*

The following procedure will be followed in investigating and reporting fish kills:

1. Upon learning of a fish kill – whether directly or from the public – Department employees should report the incident immediately to the appropriate Regional Fishery Biologists, their immediate supervisor, and to the Director of Fisheries in Augusta. The Regional Fishery Biologist should in turn notify the Maine Department of Environmental Protection's (DEP's, DEP, MDEP) Division of Environmental Assessment (287-3901), and if pollution caused the kill, the appropriate DEP Regional office, if there is one in the area. (Presque Isle 764-0477; Bangor 941-4570; Portland 822-6300). If possible, the following information should be ascertained and passed along:

- a. Body of water involved
- b. Township
- c. Exact location of the kill
- d. Approximate time of occurrence
- e. Species, size of fish involved and magnitude of the kill
- f. Name, address, and phone number of the person reporting the kill
- g. Any other information pertinent to the individual case.

Fish kills frequently occur so quickly that all of the affected fish have begun to decompose by the time biologists arrive. Therefore, the first Department employee on the scene should attempt to collect and properly handle a sample of the affected fish. Samples should be collected while fish are still alive, or freshly killed, and kept constantly refrigerated, but not frozen. Partially decomposed specimens are of no value whatsoever.

2. The Regional Fishery Biologist, upon learning of the fish kill, should follow-up with a thorough investigation according to established DEP protocols for fish kills. If pollution is the cause, the fish kill should be inspected jointly by IF&W and DEP, when possible. A preliminary report should be made by telephone to the Director of Fisheries as soon as the facts have been determined. The Director of Fisheries would then inform the Commissioner and continue to do so as more information is gathered. Upon completion of a joint investigation, the DEP will submit a copy of a written report to the Director of Fisheries. On other than joint inspections, the investigating biologist will be responsible for this report.

3. Whenever there is evidence that an infectious disease is involved, the investigating biologist should contact the Hatchery Fish Pathologist. The Fish Pathologist will also be available for technical consultation as needed.

4. In the past, considerable embarrassment and unnecessary concern has been caused when Department personnel have made premature statements and speculations to the press. To avoid further problems in this area, all Department employees are to refer all inquiries from the press about specific fish kills to the Information & Education Division. News releases involving pollution caused fish kills should be made only by the DEP, as many of these may involve future legal action.

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5. A central file on fish kills will be kept at the Augusta office in the Fisheries & Hatcheries Division.

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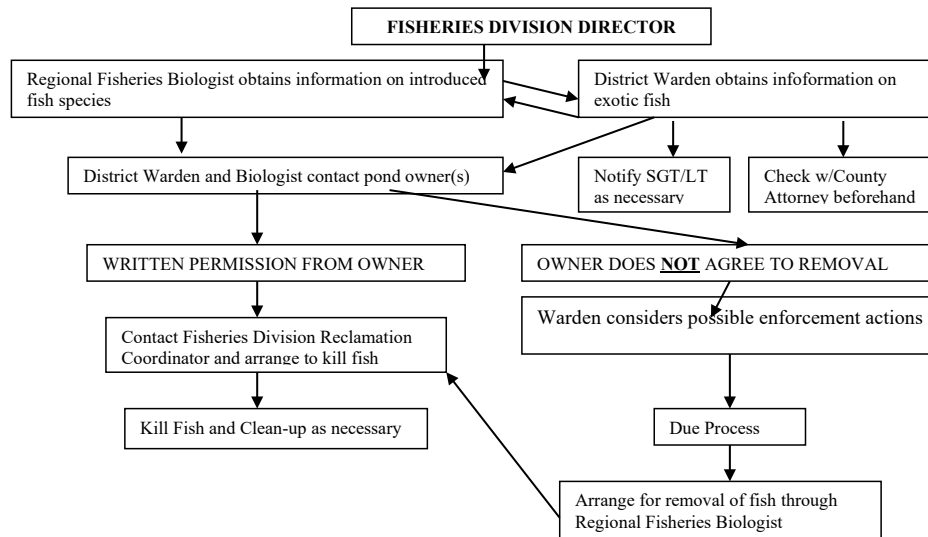
**H8. POLICY FOR ERADICATING ILLEGALLY INTRODUCED FISH SPECIES FROM PRIVATE PONDS (January, 2009).**

The escape or transfer of illegally introduced fish (and possibly diseases and parasites) from privately owned ponds could have extremely detrimental effects on sport fisheries in public waters. Pond over-flows, bait trapping, and fishing provide potential avenues for transfer of these fish into the wild. Many illegally introduced species can survive and reproduce in Maine waters.

The Department's goal is to remove as many of these populations as possible to reduce the chances of illegally introduced fish species becoming established in public waters. The action(s) to be taken will be determined on a case-by-case basis dependent upon the level of risk, the likelihood for success and the availability of staff and resources. The most common and effective means of removal will be an application of rotenone supplied by the Maine Department of Inland Fisheries & Wildlife. A MDEP license may be required for the application of rotenone in private ponds that are associated with wetlands, streams, great ponds or other public waters.

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Coordination between Regional Fisheries Biologists and District Wardens will be necessary in every case. Both should be present when the individual is contacted. The situation should be explained to the private pond owner and every effort made to obtain his cooperation and his written permission for removal. However, in some instances a summons may be required. **Written permission or a summons must be obtained before any action is initiated.** The following flow chart displays the course of action to be followed:



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**H9. POLICIES FOR RESPONDING TO INTRODUCTIONS OF INVASIVE FISH AND AQUATIC FAUNA IN PUBLIC WATERS**

**H9.1- Rapid Response Plan (January, 2009)**

A Rapid Response Plan has been developed by DIFW and DEP to ensure that appropriate protocols, trained personnel, equipment, permits, and other resources are ready to go to contain or eradicate newly detected illegal plant or animal introductions as they are reported or discovered by agency personnel (go to: [www.maine.gov/dep/blwq/topic/invasives/invplan.htm](http://www.maine.gov/dep/blwq/topic/invasives/invplan.htm) to view the Rapid Response Plan). DIFW has lead responsibility for fish and aquatic fauna. The primary goal of rapid response deployment is to initiate eradication efforts (which may take years to complete) or critical interim measures to achieve effective containment while a longer-term eradication or suppression strategy is formulated.

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DIF&W will follow the procedures described in the Rapid Response Plan in responding to a newly detected invasive aquatic fish introduction, unless unusual circumstances dictate otherwise. Regional fisheries biologists, in most cases, will manage the response to a new introduction, according to steps outlined in the Rapid Response Flow Diagram for Fish. This is available at MDEP's website: Rapid Response Plan, Part 2

**H9.2 Policy for selecting, Planning, and implementing rotenone reclamation projects in public waters (July, 2015)**

Regional fisheries biologists will, in most cases, manage the response to a new invasive fish introduction in accordance with steps outlined in Maine's Rapid Response Plan (see Rapid Response Flow Diagram for Fish found at: [\(Rapid Response Plan\)](#)).

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MDIFW is mandated to protect and enhance inland fisheries of the state and has developed laws, rules, and management policies affording special protection and consideration to native fish. In addition, statewide fishery management plans set direction and focus for management undertaken by Regional Biologists. For example, chemical reclamation provides opportunities to meet objectives under MDIFW's Strategic Plan for Brook Trout Species Plan that direct improvements in lake and pond fishing quality for native brook trout.

Reclamation projects can be justified based on any one of the above program perspectives, and quite simply because removal of invasive fishes by reclamation creates quality coldwater fisheries. However, because pond reclamations are costly and typically require funding sources and staff resources beyond the Region performing the reclamation, planned projects are expected to result in measurable benefits to native fish, to anglers, and they should have significant support from the public at large.

The purpose of this policy is to ensure that piscicide treatments are carefully selected and planned, are conducted in a safe and effective manner that meet label and permitting requirements, and engender confidence and trust from the public. This will be accomplished by 1) establishing clear, objective biological, physical, and social criteria for consideration by MDIFW administrators and biological staff in approving individual reclamation projects; 2)



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establishing clear protocols for project planning, including continuous and meaningful public involvement; and 3) providing for detailed reviews of proposed treatment plans by qualified MDIFW staff prior to project implementation.

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- 1) **Selection Process:** Guidelines for selecting candidate waters for chemical reclamation have been established ([Selecting Candidate Waters for Chemical Reclamation](#)), which closely follow recommendations of the American Fisheries Society’s Rotenone SOP Manual ([AFS SOP Manual](#)). Regional Biologists are expected to carefully examine and evaluate each step of the guidelines as they develop proposals for chemical reclamation of any water, except those requiring immediate attention under the provisions of Maine’s Rapid Response Plan. Upon selection of candidate waters by Regional Biologists and development of a preliminary fisheries management plan, the information shall be presented for review and approval as described below.

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- 2) **Approval Process:** Technical criteria and summaries of items considered in the selection process described above shall be presented by Regional Biologists as a proposal in a preliminary fisheries management plan for that water. These initial proposals will be presented by Regional Biologists to a Rotenone Reclamation Review Committee (Committee).
- a) The Committee shall be composed of the Fisheries Division Director, the Fisheries Management Supervisor, the Fisheries Division’s Reclamation Program Coordinators, and two licensed Pesticide Applicators to be selected at the discretion of the Fisheries Division Director and the Fisheries Management Supervisor. The Fisheries Management Supervisor shall chair the Committee.
  - b) The Committee will meet at the call of the Fisheries Management Supervisor.
  - c) Minutes of the meeting will be the responsibility of the Fisheries Management Supervisor.
  - d) In evaluating each proposed chemical reclamation project, the Committee shall always consider the best available science regarding the use of rotenone and other piscicides, as well as potential impacts that may arise in the following areas:
    - Potential risks to human health, the environment, and threatened and endangered species;
    - Public benefits, including an assessment of existing recreational fishing opportunities in the area and the project’s potential to meet angler demand and satisfaction;
    - The management of invasive species.
  - e) The Committee will provide a final recommendation to the Commissioner who shall decide whether the proposed chemical reclamation project will proceed.

- 
- 3) **Project Planning and Execution:** Once approved, the planning and execution of a chemical reclamation will be guided and documented using information provided in [Planning and Executing a Rotenone Reclamation Project](#). This process closely follows recommendations of the American Fisheries Society’s Rotenone SOP Manual ([AFS SOP Manual](#)). Regional Biologists are expected to carefully examine and evaluate each step of the guidelines as they generate final plans and execute reclamation projects.

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**H10. POLICY FOR ISSUING LIVE BAIT PERMITS FOR CLOSED WATERS**  
*(October, 2013)*

It is the intent of this policy to increase the supply and availability of live baitfish from Maine waters for use by Maine anglers.

- A. Live Bait Dealers will be issued a statewide permit to take bait with the exception of waters designated as closed or conditional on an annual list attached to the dealer’s permit. When the dealer purchases his license, these permits will be issued by the Licensing Division.
- B. It is illegal to store live bait in any water where the use of live bait is prohibited during either the entire ice fishing season or the entire open water fishing season. This includes waters restricted to the use of artificial lures only during the ice fishing season and waters restricted to fly fishing only or artificial lures only during the open water fishing season.
- C. The list of waters closed to the taking of live bait, and waters opened conditionally to the taking of live bait, will be maintained in the Augusta office, and in each of the regional offices. This list will be reviewed and revised as necessary annually.

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**H11. POLICIES FOR HABITAT**

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**H11.1 Habitat Protection** *(January, 2009)*

Protecting habitat and water quality shall be given the highest priority, especially on waters where wild fish populations depend on quality habitat for reproduction and rearing young. Habitat will be protected through compliance with environmental laws and management agreements. Habitat protection shall include the following:

- Technical assistance with the formulation of appropriate environmental laws and regulations,
- Technical input into the environmental permitting process,
- Supporting research and assessment to identify habitat and water quality protection needs and opportunities including water level management and river flow agreements,
- Assistance to landowners that will encourage land use management practices to protect waters,
- Land acquisition and management by the Department and other conservation groups,
- And the development of strong working relations with private landowners and regulatory agencies to ensure that access, development, and land management is done in a manner that protects the habitat quality of the waters and the fisheries they support.

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### H11.2 Habitat Restoration (*January, 2009*)

A necessary precursor of any restoration project shall be the identification and correction of the conditions that produced/are producing the problem except insofar as such restoration is necessary for the public safety or to alleviate damage to private or public property. Furthermore, any restoration project will require rigorous evaluation of the effectiveness of that project.

Restoring degraded habitats may be undertaken where possible to restore, or improve the capacity of the habitat to support fish populations seasonally or throughout the year, or to allow fish to successfully reproduce and become self-sustaining. This may include projects such as restoration of structure and pools to degraded stream beds, ensuring passage through barriers, such as dams and other obstructions; restoring riparian forest cover for better water temperature regulations, providing for improved flow conditions or water levels and reclamation to remove/control invasive and competing species. Volunteers will be recruited in local restoration and cooperative projects and used whenever possible.

### H11.3 Habitat Enhancement (*January, 2009*)

Projects intended to enhance habitat, although very similar to restoration projects, are intended to improve the habitat value for certain fish species, but are not being done to restore a pre-existing, or historical condition. Enhancement projects may be done as time allows and when local cooperative groups of volunteers can provide time and resources to accomplish the project. Careful identification of the conditions to be improved and evaluation of the effectiveness of completed projects will be required.

### H11.4 Fishless Ponds (*July, 2006*)

Waters with no known history of fish being present, but may support rare species, will be managed to ensure that the viability of the rare species is not adversely affected. When a fishless pond is discovered, an assessment of rare species will be completed before any proposal to introduce fish can be considered. The Department will continue to identify and inventory Maine waters to determine the number and distribution of waters that do not support fish.

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### **H12. POLICIES FOR HEALTH AND SAFETY**

#### H12.1 Fisheries SCUBA Diving (April 2013)

##### I. Purpose and Scope

###### A. Purpose

To establish procedural and operational criteria pertinent to Fishery Division Dive Team (F.D.T.) activities.

###### B. Scope

Provisions set forth in this policy are mandatory and shall be followed by all Fisheries Division personnel, including non-divers.

##### II. Administration

The administration of the Fisheries Division Dive Team shall be the responsibility of the Dive Team Administrator. The Dive Team Administrator shall be appointed by the Director of the Fisheries and Hatcheries Division, with advice from the F.D.T. He/she shall have successfully completed a nationally recognized SCUBA course and possess certification at the Open Water Diver level or higher.

1. A Lead Diver shall be designated by the Dive Team Administrator for each dive situation. The Lead Diver shall ensure that proper diving practices are adhered to, that policies and associated rules, requirements, standards, and procedures are followed, and that all personnel, including non-diver support staff, thoroughly understand each diving situation and exactly how to execute the task. The Lead Diver shall have sole authority over all Department personnel participating in the diving assignment.

2. The Lead Diver shall keep a written record of each diver's activities on an assignment. This written record shall be used to evaluate any injury/accident/unusual incident which may occur, as well as to provide documentation of SCUBA use by the Fisheries Division.

3. Each individual involved in a diving situation, including non-divers, shall have the responsibility and obligation to notify the Lead Diver if he/she does not feel competent to execute an assigned task.

##### III. Diving Procedures

Safety - Regardless of the nature of a diving operation, **SAFETY** shall be the primary concern of all personnel involved.

1. It shall be the responsibility of the Lead Diver to ensure that careful consideration is given to potential emergencies before any dive is undertaken so that necessary aid may be obtained as quickly as possible.

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2. The Lead Diver shall conduct a pre-dive briefing with all personnel participating in the diving assignment. The pre-dive briefing shall include a review of all pertinent aspects of the dive, and assure all participants are prepared to effectively deal with emergency situations.

3. The Lead Diver shall assure that communication devices and Global Positioning System units are available at the dive site, and that all personnel are competent in their use.

4. The Lead Diver shall assure that emergency oxygen units capable of supplying an injured diver for at least one hour are available at each dive site, and that all personnel are competent in their use.

5. At least two certified divers shall be present at each dive site, regardless of the nature of the dive assignment.

6. Planing board work conducted by a single diver shall be restricted to depths of 20 feet or less. Two divers working on tandem planing boards will be required when depths are to exceed 20 feet.

7. Planing board boat operators will remain alert to observe and react to prearranged signals from the diver, maintain sight contact with the diver's buoy and/or bubbles, observe the surfaced diver and be alert for symptoms of dive related stress or illness, be capable of administering or seeking emergency assistance to the injured diver, and keep boat traffic away from submerged divers.

8. The buddy system shall be mandatory under the following conditions: a) when inspecting, installing, retrieving, or repairing nets of any kind, b) when diving to depths exceeding 20 feet, c) when unusual underwater hazards are expected, d) when strenuous labor is expected, e) when the prudent judgment of the divers demands it.

9. Injury to a diver shall be immediately reported by one of the on-the-scene members to the Dive Team Administrator. All F.D.T. members having knowledge of the incident shall submit a written statement concerning the facts known by him/her to the Dive Team Administrator within 48 hours of the incident.

10. A rigid red and white striped dive flag shall be conspicuously displayed at each dive location.

11. Snorkeling with mask and fins shall not be regulated by this policy.

### IV. Dive Restrictions

1. All diving conducted by the F.D.T. will conform to the PADI recreational tables. All dives shall be scheduled within no-decompression limits.

2. Dives shall be restricted to 60 feet or less unless permission is granted from the Dive Team Administrator or his/her designee.

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3. F.D.T. members shall not dive to depths exceeding 99 feet.
4. Fisheries Division divers shall not be employed to install, inspect, or repair fish hatchery water supply systems unless permission is granted from the Dive Team Administrator and the Director of the Fisheries and Hatcheries Division.
5. F.D.T. members shall not conduct ice dives.
6. F.D.T members will not be allowed to utilize un-inspected and serviced equipment for any Fisheries Division dive projects.
7. F.D.T. members that have not completed their dive physical at the appropriate frequency noted below in Section VI will be suspended from all dive activities until completion of the dive physical.

### V. Dive Equipment Service

All equipment shall meet standards as determined by the Dive Team Administrator. Equipment that is subjected to extreme usage under adverse conditions should require more frequent testing and maintenance.

All equipment shall be regularly examined by the person using them. SCUBA equipment, either personal or Fisheries Division issued, shall be inspected and serviced annually by a certified service provider, or at intervals specified below.

#### Equipment Maintenance

##### Regulators

1. Only those makes and models specifically approved by the Diving Safety Officer and the Diving Control Board shall be used.
2. Scuba regulators shall be inspected and tested prior to first use and every 12 months thereafter.
3. Regulators will consist of a primary second stage and an alternate air source (such as an octopus second stage or redundant air supply).

##### Gauges

Gauges shall be inspected and tested before first use and every 12 months thereafter.

##### Flotation Devices

1. Each diver shall have the capability of achieving and maintaining positive buoyancy.
2. Personal flotation systems, buoyancy compensators, dry suits, or other variable volume buoyancy compensation devices shall be equipped with an exhaust valve.
3. These devices shall be functionally inspected and tested every 12 months.

##### Timing Devices, Depth, and Pressure Gauges



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Both members of the buddy team must have an underwater timing device, an approved depth indicator, and a submersible pressure gauge. These devices shall be functionally inspected and tested every 12 months.

### Scuba Cylinders

1. Scuba cylinders shall be designed, constructed, and maintained in accordance with the applicable provisions of the Unfired Pressure Vessel Safety Orders.
2. Scuba cylinders must be hydrostatically tested in accordance with DOT standards.
3. Scuba cylinders must have an internal and external inspection at intervals not to exceed 12 months.
4. Scuba cylinder valves shall be functionally tested at intervals not to exceed 12 months.

### Record Keeping

Each equipment modification, repair, test, calibration, or maintenance service shall be logged, including the date and nature of work performed, serial number of the item, and the name of the person performing the work for the following equipment:

1. Regulators
2. Submersible pressure gauges
3. Depth gauges
4. Scuba cylinders
5. Cylinder valves
6. Submersible breathing masks
7. Buoyancy control devices
8. Dry suits

Copies of all inspection, repair, and/or calibration records will be provided to the Dive Team Administrator no less than one week after work is completed. The Dive Team Administrator shall be responsible for maintaining records for each diver on the F.D.T.

## VI. MEDICAL STANDARDS

### Medical Requirements

#### General

- a) The Dive Team Administrator shall determine that divers have passed a current diving physical examination and have been declared by the examining physician to be fit to engage in diving activities as may be limited or restricted in the medical evaluation report.
- b) All medical evaluations required by this standard shall be performed by, or under the direction of, a licensed physician of the applicant-diver's choice, preferably one trained in diving/undersea medicine.

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- c) The diver should be free of any chronic disabling disease and any conditions contained in the list of conditions for which restrictions from diving are generally recommended. (Appendix 1)

**Frequency of Medical Evaluations**

Medical evaluation shall be completed:

- d) Before a diver may begin diving, unless an equivalent initial medical evaluation has been given within the preceding 5 years (3 years if over the age of 40, 2 years if over the age of 60), the member organization has obtained the results of that examination, and those results have been reviewed and found satisfactory by the member organization.
- e) Thereafter, at 5 year intervals up to age 40, every 3 years after the age of 40, and every 2 years after the age of 60.
- f) Clearance to return to diving must be obtained from a physician following any major injury or illness, or any condition requiring hospital care or chronic medication. If the injury or illness is pressure related, then the clearance to return to diving must come from a physician trained in diving medicine.

**Information Provided Examining Physician**

The Dive Team Administrator shall provide a copy of the medical evaluation requirements of this standard to the examining physician. (Appendices 1, 2, and 3).

**Content of Medical Evaluations**

Medical examinations conducted initially and at the intervals specified below shall consist of the following:

- g) Applicant agreement for release of the MEDICAL EVALUATION OF FITNESS FOR SCUBA DIVING REPORT (Appendix 2) to the Dive Team Administrator.
- h) Medical history (Appendix 3).
- i) Diving physical examination (Required tests listed below and in Appendix 2).

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### Conditions Which May Disqualify Candidates From Diving (Adapted from Bove, 2011)

- Abnormalities of the tympanic membrane, such as perforation, presence of a monomeric membrane, or inability to auto inflate the middle ears.
- Hearing loss; Vertigo including Meniere's Disease.
- Stapedectomy or middle ear reconstructive surgery.
- Recent ocular surgery.
- Psychiatric disorders including claustrophobia, suicidal ideation, psychosis, anxiety states, depression.
- Substance abuse, including alcohol.
- Episodic loss of consciousness.
- History of seizure.
- History of stroke or a fixed neurological deficit.
- Recurring neurologic disorders, including transient ischemic attacks.
- History of intracranial aneurysm, other vascular malformation or intracranial hemorrhage.
- History of neurological decompression illness with residual deficit.
- Head injury.
- Hematologic disorders including coagulopathies.
- Risk factors or evidence of coronary artery disease.
- Atrial septal defects.
- Significant valvular heart disease - isolated mitral valve prolapse is not disqualifying.
- Significant cardiac rhythm or conduction abnormalities.
- Implanted cardiac pacemakers and cardiac defibrillators (ICD).
- Inadequate exercise tolerance.
- Hypertension.
- History of pneumothorax.
- Asthma.
- Chronic pulmonary disease, including radiographic evidence of pulmonary blebs, bullae or cysts.
- Diabetes mellitus.
- Pregnancy.

### Laboratory Requirements for Diving Medical Evaluation and Intervals.

- Initial examination under age 40:
  - Medical History
  - Complete Physical Exam, emphasis on neurological and otological components
  - Urinalysis
  - Any further tests deemed necessary by the physician.
  
- Periodic re-examination under age 40 (every 5 years):
  - Medical History

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- Complete Physical Exam, emphasis on neurological and otological components
- Urinalysis
- Any further tests deemed necessary by the physician
- First exam over age 40:
  - Medical History
  - Complete Physical Exam, emphasis on neurological and otological components
  - Detailed assessment of coronary artery disease risk factors using Multiple-Risk-Factor Assessment<sup>1,2</sup> (age, family history, lipid profile, blood pressure, diabetic screening, smoking history). Further cardiac screening may be indicated based on risk factor assessment.
  - Resting EKG
  - Chest X-ray
  - Urinalysis
  - Any further tests deemed necessary by the physician
- Periodic re-examination over age 40 (every 3 years); over age 60 (every 2 years):
  - Medical History
  - Complete Physical Exam, emphasis on neurological and otological components
  - Detailed assessment of coronary artery disease risk factors using Multiple-Risk-Factor Assessment<sup>3</sup> (age, family history, lipid profile, blood pressure, diabetic screening, smoking history). Further cardiac screening may be indicated based on risk factor assessment.
  - Resting EKG
  - Urinalysis
  - Any further tests deemed necessary by the physician

### Physician's Written Report

1. After any medical examination relating to the individual's fitness to dive, the organizational member shall obtain a written report prepared by the examining physician that shall contain the examining physician's opinion of the individual's fitness to dive, including any recommended restrictions or limitations. This report will be reviewed by the Dive Team Administrator.
2. The Dive Team Administrator shall make a copy of Appendix 2: MEDICAL EVALUATION OF FITNESS FOR SCUBA DIVING REPORT available to the individual.

<sup>3</sup> Grundy, R.J. et. al. 1999. Assessment of Cardiovascular Risk by Use of Multiple-Risk-Factor Assessment Equations. AHA/ACC Scientific Statement. <http://www.acc.org/clinical/consensus/risk/risk1999.pdf>

<sup>2</sup> Bove, A.A. 2011. The cardiovascular system and diving risk. *Undersea and Hyperbaric Medicine* 38(4): 261-269.

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**APPENDIX 1  
DIVING MEDICAL EXAM OVERVIEW FOR THE EXAMINING PHYSICIAN**

**TO THE EXAMINING PHYSICIAN:**

This person, \_\_\_\_\_, requires a medical examination to assess their fitness for certification as a Scientific Diver for the Dept. of Inland Fisheries and Wildlife Fisheries Dive Team. Their answers on the Diving Medical History Form (Appendix 3 attached) may indicate potential health or safety risks as noted. Your evaluation is requested on the attached scuba Diving Fitness Medical Evaluation Report (Appendix 2). If you have questions about diving medicine, you may wish to consult one of the references on the attached list or contact one of the physicians with expertise in diving medicine whose names and phone numbers appear on an attached list, the Undersea Hyperbaric and Medical Society, or the Divers Alert Network. Please contact the undersigned Diving Team Administrator if you have any questions or concerns about diving medicine or the Dept. of Inland Fisheries and Wildlife Fisheries Dive Team standards. Thank you for your assistance.

\_\_\_\_\_  
Dive Team Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone Number

Scuba and other modes of compressed-gas diving can be strenuous and hazardous. A special risk is present if the middle ear, sinuses, or lung segments do not readily equalize air pressure changes. The most common cause of distress is eustachian insufficiency. Recent deaths in the scientific diving community have been attributed to cardiovascular disease. Please consult the following list of conditions that usually restrict candidates from diving. (Adapted from Bove, 1998: bracketed numbers are pages in Bove).

**CONDITIONS WHICH MAY DISQUALIFY CANDIDATES FROM DIVING**

1. Abnormalities of the tympanic membrane, such as perforation, presence of a monomeric membrane, or inability to autoinflate the middle ears. [5 ,7, 8, 9]
2. Vertigo, including Meniere's Disease. [13]
3. Stapedectomy or middle ear reconstructive surgery. [11]
4. Recent ocular surgery. [15, 18, 19]
5. Psychiatric disorders including claustrophobia, suicidal ideation, psychosis, anxiety states, untreated depression. [20 - 23]
6. Substance abuse, including alcohol. [24 - 25]
7. Episodic loss of consciousness. [1, 26, 27]
8. History of seizure. [27, 28]
9. History of stroke or a fixed neurological deficit. [29, 30]
10. Recurring neurologic disorders, including transient ischemic attacks. [29, 30]
11. History of intracranial aneurysm, other vascular malformation or intracranial hemorrhage. [31]
12. History of neurological decompression illness with residual deficit. [29, 30]
13. Head injury with sequelae. [26, 27]
14. Hematologic disorders including coagulopathies. [41, 42]
15. Evidence of coronary artery disease or high risk for coronary artery disease. [33 - 35]
16. Atrial septal defects. [39]
17. Significant valvular heart disease - isolated mitral valve prolapse is not disqualifying. [38]
18. Significant cardiac rhythm or conduction abnormalities. [36 - 37]
19. Implanted cardiac pacemakers and cardiac defibrillators (ICD). [39, 40]
20. Inadequate exercise tolerance. [34]
21. Severe hypertension. [35]
22. History of spontaneous or traumatic pneumothorax. [45]
23. Asthma. [42 - 44]
24. Chronic pulmonary disease, including radiographic evidence of pulmonary blebs, bullae, or cysts. [45,46]

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25. Diabetes mellitus. [46 - 47]
26. Pregnancy. [56]

### **SELECTED REFERENCES IN DIVING MEDICINE**

Available from Best Publishing Company, P.O. Box 30100, Flagstaff, AZ 86003-0100, the Divers Alert Network (DAN) or the Undersea and Hyperbaric Medical Society (UHMS), Durham, NC

- Elliott, D.H. ed. 1996. *Are Asthmatics Fit to Dive?* Kensington, MD: Undersea and Hyperbaric Medical Society.
- Bove, A.A. 2011. The cardiovascular system and diving risk. *Undersea and Hyperbaric Medicine* 38(4): 261-269.
- Thompson, P.D. 2011. The cardiovascular risks of diving. *Undersea and Hyperbaric Medicine* 38(4): 271-277.
- Douglas, P.S. 2011. Cardiovascular screening in asymptomatic adults: Lessons for the diving world. *Undersea and Hyperbaric Medicine* 38(4): 279-287.
- Mitchell, S.J., and A.A. Bove. 2011. Medical screening of recreational divers for cardiovascular disease: Consensus discussion at the Divers Alert Network Fatality Workshop. *Undersea and Hyperbaric Medicine* 38(4): 289-296.
- Grundy, S.M., Pasternak, R., Greenland, P., Smith, S., and Fuster, V. 1999. Assessment of Cardiovascular Risk by Use of Multiple-Risk-Factor Assessment Equations. AHA/ACC Scientific Statement. *Journal of the American College of Cardiology*, 34: 1348-1359. <http://content.onlinejacc.org/cgi/content/short/34/4/1348>
- Bove, A.A. and Davis, J. 2003. DIVING MEDICINE, Fourth Edition. Philadelphia: W.B. Saunders Company.
- Edmonds, C., Lowry, C., Pennefather, J. and Walker, R. 2002. DIVING AND SUBAQUATIC MEDICINE, Fourth Edition. London: Hodder Arnold Publishers.
- Bove, A.A. ed. 1998. MEDICAL EXAMINATION OF SPORT SCUBA DIVERS, San Antonio, TX: Medical Seminars, Inc.
- NOAA DIVING MANUAL, NOAA. Superintendent of Documents. Washington, DC: U.S. Government Printing Office.
- U.S. NAVY DIVING MANUAL. Superintendent of Documents, Washington, DC: U.S. Government Printing Office, Washington, D.C.



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Name (Print or Type)

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Address

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Telephone Number

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E-Mail Address

My familiarity with applicant is: \_\_\_\_ This exam only \_\_\_\_ Regular physician for \_\_\_\_ years

My familiarity with diving medicine is:



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**APPENDIX 3  
DIVING MEDICAL HISTORY FORM**

(To Be Completed By Applicant-Diver)

Name \_\_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ Wt. \_\_\_\_ Ht. \_\_\_\_

Sponsor \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
(Dept./Project/Program/School, etc.) (Mo/Day/Yr)

**TO THE APPLICANT:**

Scuba diving places considerable physical and mental demands on the diver. Certain medical and physical requirements must be met before beginning a diving or training program. Your accurate answers to the questions are more important, in many instances, in determining your fitness to dive than what the physician may see, hear or feel as part of the diving medical certification procedure.

**This form shall be kept confidential by the examining physician.** If you believe any question amounts to invasion of your privacy, you may elect to omit an answer, provided that you shall subsequently discuss that matter with your own physician who must then indicate, in writing, that you have done so and that no health hazard exists.

Should your answers indicate a condition, which might make diving hazardous, you will be asked to review the matter with your physician. In such instances, their written authorization will be required in order for further consideration to be given to your application. If your physician concludes that diving would involve undue risk for you, remember that they are concerned only with your well-being and safety.

	Yes	No	Please indicate whether or not the following apply to you	Comments
1			Convulsions, seizures, or epilepsy	
2			Fainting spells or dizziness	
3			Been addicted to drugs	
4			Diabetes	
5			Motion sickness or sea/air sickness	
6			Claustrophobia	
7			Mental disorder or nervous breakdown	
8			Are you pregnant?	
9			Do you suffer from menstrual problems?	
10			Anxiety spells or hyperventilation	
11			Frequent sour stomachs, nervous stomachs or vomiting spells	
12			Had a major operation	
13			Presently being treated by a physician	
14			Taking any medication regularly (even non-prescription)	
15			Been rejected or restricted from sports	
16			Headaches (frequent and severe)	
17			Wear dental plates	

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	Yes	No	Please indicate whether or not the following apply to you	Comments
18			Wear glasses or contact lenses	
19			Bleeding disorders	
20			Alcoholism	
21			Any problems related to diving	
22			Nervous tension or emotional problems	
23			Take tranquilizers	
24			Perforated ear drums	
25			Hay fever	
26			Frequent sinus trouble, frequent drainage from the nose, post-nasal drip, or stuffy nose	
27			Frequent earaches	
28			Drainage from the ears	
29			Difficulty with your ears in airplanes or on mountains	
30			Ear surgery	
31			ringing in your ears	
32			Frequent dizzy spells	
33			Hearing problems	
34			Trouble equalizing pressure in your ears	
35			Asthma	
36			Wheezing attacks	
37			Cough (chronic or recurrent)	
38			Frequently raise sputum	
39			Pleurisy	
40			Collapsed lung (pneumothorax)	
41			Lung cysts	
42			Pneumonia	
43			Tuberculosis	

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	Yes	No	Please indicate whether or not the following apply to you	Comments
44			Shortness of breath	
45			Lung problem or abnormality	
46			Spit blood	
47			Breathing difficulty after eating particular foods, after exposure to particular pollens or animals	
48			Are you subject to bronchitis	
49			Subcutaneous emphysema (air under the skin)	
50			Air embolism after diving	
51			Decompression sickness	
52			Rheumatic fever	
53			Scarlet fever	
54			Heart murmur	
55			Large heart	
56			High blood pressure	
57			Angina (heart pains or pressure in the chest)	
58			Heart attack	
59			Low blood pressure	
60			Recurrent or persistent swelling of the legs	
61			Pounding, rapid heartbeat or palpitations	
62			Easily fatigued or short of breath	
63			Abnormal EKG	
64			Joint problems, dislocations or arthritis	
65			Back trouble or back injuries	
66			Ruptured or slipped disk	
67			Limiting physical handicaps	
68			Muscle cramps	
69			Varicose veins	

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	Yes	No	Please indicate whether or not the following apply to you	Comments
70			Amputations	
71			Head injury causing unconsciousness	
72			Paralysis	
73			Have you ever had an adverse reaction to medication?	
74			Do you smoke?	
75			Have you ever had any other medical problems not listed? If so, please list or describe below;	
76			Is there a family history of high cholesterol?	
77			Is there a family history of heart disease or stroke?	
78			Is there a family history of diabetes?	
79			Is there a family history of asthma?	
80			Date of last tetanus shot? Vaccination dates?	

Please explain any "yes" answers to the above questions.

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I certify that the above answers and information represent an accurate and complete description of my medical history.

Signature \_\_\_\_\_

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### **H12.2 Biosecurity and Disinfection Guidelines for Fisheries Field Work** (January, 2009)

The guidelines below are designed to provide direction to fisheries professionals working in Maine’s public waters in order to minimize the potential for spread of aquatic species including invasives. The guidelines have been written to separate aquatic plants, aquatic animals, and aquatic pathogens. Biosecurity is defined as, “practical steps that can be taken to minimize the spread of unwanted organisms.”

#### I. Procedures to minimize the spread of aquatic plants:

- a. Vehicles, ATV’s, snowmobiles - visual inspection with hand removal of plants before leaving boat loading/unloading area.
- b. Boats, trailers - visual inspection with hand removal of plants before leaving boat loading/unloading area. Remove drain plug and drain bilge water from boats, preferably at a location where the wastewater will not drain into any surface water.
- c. Personnel - visual inspection of personal equipment (i.e. boots/waders/gloves) with hand removal of plants before leaving boat loading/unloading area.
- d. Other Equipment- *same as above* (c).
- e. Gillnets - aquatic plants must be removed from nets before they are moved between waters. Remove as much plant material as possible on site, thoroughly dry nets on drying racks at regional headquarters, and re-inspect/remove any remaining plant material before using on other waters. Nets should be dried on rack for a minimum of 3 days prior to storage.
- f. Trapnets and leads - aquatic plants must be removed from nets before they are moved between waters. Nets should be visually inspected on land with hand removal of plants before leaving the boat loading/unloading area. After seasonal use, trapnets should be transported to the regional headquarters, cleaned, thoroughly dried in direct sun or indoor storage area, and re-inspected to remove any remaining plant material. Insure all net sections and components are thoroughly dry for a minimum of 3 days. When possible, clean/dry nets and leads should be used between waters.
- g. Reporting Requirements - Aquatic plants of unknown species or plants known to be aquatic nuisance species should not be transported unless placed in a sealed container. Small specimens may be transported to the Maine Department of Environmental Protection for species identification (DEP contact: (207) 287-2813).
- h. Waters with Documented Infestations – Biological staff should be extra diligent when working on waters with known infestations to prevent the further spread of invasives. When possible, staff should minimize contact and disturbance of aquatic invasive plant beds to reduce the risks of spreading the plant within the water being sampled and elsewhere. A current list of known plant infestations is available at MDEP’s website ([www.maine.gov/dep/blwq/topic/invasives/doc.htm](http://www.maine.gov/dep/blwq/topic/invasives/doc.htm)).

#### II. Procedures to minimize the spread of aquatic animals:

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- a. Vehicles, ATV's, Snowmobiles- visual inspection and removal of all visible organisms and mud. Use lake, stream water at loading/unloading facility to rinse equipment. Trucks, ATV's, and snowmobiles should be washed at car wash facilities or at the designated wash station at department offices. Washing frequency should be as needed, or at least once per season if used.
- b. Boats, trailers- visual inspection and removal of all visible organisms and mud. Use lake, stream water at loading/unloading facility to rinse equipment. Drain plug should be removed and bilge water drained, preferably at a location where the wastewater will not drain into any surface water. Boats and trailers can be washed at car wash facilities or at designated wash stations at department offices. Washing frequency should be as needed, or at least once per season if used.
- c. Personnel- personal equipment (i.e. boots/waders/gloves) should be rinsed clean of all visible mud and aquatic debris.
- d. Other Equipment- rinsed clean of mud and aquatic debris.
- e. Gillnets - Remove as much mud and aquatic debris as possible on site, thoroughly dry nets on drying racks at regional headquarters, and re-inspect/remove any remaining material before using between waters. Nets should be dried on rack for a minimum of 3 days.
- f. Trapnets and leads - Remove as much mud and aquatic debris as possible on site. After seasonal use, trapnets should be transported to the regional headquarters, cleaned, thoroughly dried in direct sun or indoor storage area, and re-inspected to remove any remaining material. Insure all net sections and components are thoroughly dry for a minimum of 3 days. When possible, clean/dry nets and leads should be used between waters.
- g. Reporting Requirements- Unknown specimens and known aquatic invasive species should be transported in sealed containers for identification. Identification of invasive aquatic species should be reported to Maine Department of Inland Fisheries & Wildlife (MDIF&W contact: Director of Fishery Operations (207) 287-5261.)
- h. Waters with Documented Infestations – Biological staff should be extra diligent when working on waters with known infestations to prevent the further spread of invasives. In this case, nets should be cleaned, soaked in salt brine (3%) overnight to destroy freshwater aquatic organisms, rinsed, and dried in sunlight between uses.

### III. Procedures to minimize the spread of aquatic pathogens

A disinfecting area should be established at each regional office. The disinfecting area needs to have an outside water faucet and an adequate length of garden hose with sprayer. Ideally, the area should have excellent drainage or percolation, and should not drain directly to any surface waters.

- a. Vehicles, Boats, Trailers, ATV's, and Snowmobiles - No specific disinfection suggested at this time; however, periodic washing of larger sized pieces of equipment is recommended as specified under section III.

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- b. Equipment - Field equipment that comes in constant contact with stream or lake water (i.e. waders, nets, seines, gloves, live cars, shocker wand and tail, measuring boards, etc.) should be cleaned & disinfected before use between waters. Disinfection for most equipment is accomplished with a 2oz. Nolvasan/gallon water solution in the large trashcan; however, a Quaternary Ammonia disinfectant can also be used according to label instructions. Equipment should be allowed to set in solution for 10 minutes then rinsed thoroughly.

If returning to the field office is not possible or practical, then equipment can be disinfected in the field between uses. Equipment should be sprayed with a hand-pump style sprayer and allowed to set during transit to the new water.

Delicate equipment, such as electronic scales, conductivity meters, thermometers, etc., should be sprayed with alcohol and allowed to air dry.

- c. Trapnets and leads – are too large to be soaked and unlikely to get reasonable disinfection with a spray system. After seasonal use, trapnets should be transported to the regional headquarters, cleaned, thoroughly dried in direct sun or indoor area, and re-inspected to remove any remaining material. Insure all net sections and components are thoroughly dry for a minimum of 3 days. When possible, clean/dry nets and leads should be used between waters.
- d. Hatchery – Equipment including personal equipment (i.e. boots, waders, gloves) taken into a MDIF&W fish hatchery will be cleaned and disinfected before use in the hatchery. Equipment stored at MDIF&W fish hatcheries will be cleaned and disinfected before it is stored.
- e. Reporting Requirements - Fish encountered with lesions of reportable pathogens, or unknown pathogens should be preserved in 10% buffered formalin for storage or sent for immediate necropsy to the MDIF&W Fish Health Laboratory. Fish with obvious signs of clinical disease should be disposed of on land, rather than returned to the water to spread the pathogen.
- f. Waters w/ Documented Pathogens – Biological staff should be extra diligent with disinfection procedures when working on waters with known pathogen issues to prevent the further spread of the organisms.

Questions regarding proper cleaning and/or disinfection of field equipment should be addressed with the equipments manufacturer.

**SECTION H – FISHERIES ~~SECTION H – FISHERIES~~**

**APPENDIX A**

MAINE STATUTES supporting the establishment of guidelines:

The "Invasive Aquatic Plants" provisions are codified in a number of places in Maine Revised Statutes Annotated:

5 MRSA 12004-D(6) -- Interagency task force expenses

12 MRSA 7791 (1-B) -- "aquatic plant" and (3-A)("invasive aquatic plant")

12 MRSA 7794-B -- Lake and river protection sticker

38 MRSA 7794-C lake and river protection sticker required

12 MRSA 7801(37)-(39) -- Failure to display lake and river protection sticker; launching a contaminated water craft, and operating a watercraft in a quarantined area

12 MRSA 7806 -- Lake and river protection fund

38 MRSA 410-N -- Aquatic nuisance species control

38 MRSA 419-C -- Prevention of the spread of invasive aquatic plants

38 MRSA Chapter 20-A -- Program to prevent infestation of and to control invasive aquatic plants

38 MRSA 20-B -- Invasive aquatic plants and nuisance species control

Amendments from the 2003-2004 legislative session:

Chapter 627. An Act to Amend the Laws Regarding Invasive Aquatic Species (effective July 30, 2004)

Chapter 655. An Act to Revise the Fish and Wildlife Laws to Complement the Recodification of those laws (IN PART) (effective April 22, 2004)

Reference:

Chapter 136. An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants (effective September 13, 2003).

Chapter 434. An Act to Prevent Infestation of Invasive Aquatic Plants (effective June 20, 2001)

Chapter 722. An Act to Prevent the Spread of Invasive Aquatic Plants (effective April 14, 2000).

The "Chapters" are in the form that a bill is enacted and signed. They contain temporary provisions, such as report and budget provisions, which are not codified into MRSA.



SECTION H – FISHERIES ~~SECTION H – FISHERIES~~

APPENDIX B

**Equipment:**

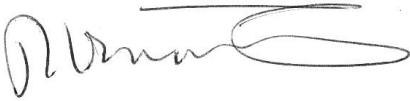
1 large (40+ gallon) trashcan\*  
Garden hose w/ spray nozzle\*  
Portable hand-pump sprayer for field disinfection\*  
Large stiff bristle brush\*  
Spray bottle\*  
Rubbing alcohol\*  
Nolvasan disinfectant or quaternary ammonia disinfectant\*\*  
Power washer (trucks, boats, etc.)\*\*\*  
Additional trapnets and gillnets, as needed\*\*\*\*

\* Each Region is to purchase the items marked by a single asterisk.

\*\* Fish Pathologist to purchase these chemicals.

\*\*\* Augusta to determine which regions are to be supplied with these.

\*\*\*\* Each Region will identify their needs for additional netting as necessary for implementing the Guidelines. The list of needs should be forwarded to Augusta.



Roland D. Martin  
Commissioner

Date: 10/13/2009

# **INDEX TO FISHERIES POLICIES**

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## **DEFINITIONS OF CERTAIN TERMS FOUND IN THIS DOCUMENT:**

**A principal fishery** for a particular species in a water is said to occur when that species is regularly sought after by anglers and makes up a significant portion of the catch in that water.

**Native fish species:** any fish species that occurs/had occurred in a water, or waters without the intercession of humans. Brook trout, lake trout, arctic charr, landlocked Atlantic salmon, white perch, chain pickerel are among the fish species that are native to the state of Maine.

**Native Brook Trout Fisheries in Lakes and Ponds** provide principal fisheries for brook trout that rely entirely on natural reproduction to sustain the fisheries, and have never been stocked, directly or indirectly, with any species. These lakes and ponds are also referred to as “**Heritage Brook Trout Waters**” or “**A List**” waters. The department maintains a list of these waters. Waters cannot be removed from the list without the consent of the legislature (see page 9 for additional information).

**Wild Brook Trout Fisheries in Lakes and Ponds**, or “**B-List**” waters provide principal fisheries for brook trout that rely entirely on natural reproduction to sustain the fisheries and that have not been directly stocked with brook trout for at least 25 years. These lakes and ponds may have received indirect stockings within the last 25 years. The Department maintains a list of these waters and has established policies for adding or removing a water from the “B-List” (see page 9 for additional information).

**Nonnative species:** any fish species that occurs/had occurred in a water, or waters but only through the intercession of humans. Some fish that have been transported to Maine from waters outside of the state include largemouth bass, smallmouth bass, rainbow trout, brown trout, Northern pike and muskellunge, among others. These species are nonnative with respect to Maine.

**Introductory stocking** is done to establish a fish species in a water in which the species was not originally present with the expectation that it will then be able to maintain itself through natural reproduction. Stocking is discontinued when the species has become established.

**Maintenance stocking** is a program of routine, continuous stocking (on various timetables) to supplement or substitute for natural reproduction in waters. Hatchery fish are released, survive and grow in these waters and then are caught by anglers. Biologists sometimes refer to these stockings as put-grow-and-take stockings or biological stockings.

**Put and take stocking** is the stocking of legal-sized fish into waters with the expectation that they will be caught within a short time. Little or no carryover from one year to the next is expected because of seasonally poor habitat. We use the term “catchables” interchangeably with “put and take”.

**Experimental stocking** is used in special situations to help predict the success of stocking new strains, stocking different sizes, or new stocking rates. The program may then be changed, continued, or stopped, depending on results of the stocking.

## **INTRODUCTION TO POLICIES FOR FISHERIES MANAGEMENT** *(January, 2009)*

It is the policy of the Department to increase the quality and diversity of angling opportunities statewide, as appropriate. This will be achieved by setting statewide management goals and objectives, with the help of public working groups, which shall include, but not be limited to: opportunities to fish for wild, self-sustaining native fish in remote settings; opportunities to fish in urban areas; opportunities to catch trophy fish in some areas and numbers of smaller fish in other waters; management of select non-native species to provide diversity and additional fishing opportunity as appropriate; and efforts to retain and encourage participation in fishing by people of all ages and interests.

Management programs will focus on population manipulation through regulation, stocking, enforcement, and protecting and restoring habitat. Research and assessment will be utilized to determine the outcome of management efforts and to help determine future management opportunities. Education and marketing will be employed to encourage participation and safe and enjoyable use of the resource;

Management decisions shall be based upon the principles of fishery science and assessments of the biological potential of the waters under consideration. Public input will be considered to ascertain angler interest as programs are implemented consistent with the Maine Department of Inland Fisheries and Wildlife's (IF&W's, MDIFW, IFW) goals and objectives for fisheries management.

Conserving native and wild fish populations is our primary responsibility. Public desires and the availability of staff and funding must also be considered when determining the direction and emphasis of the fisheries program. Management focus and priorities must be dynamic in order to account for changing conditions and new information.

## **H1. POLICIES FOR PUBLIC INVOLVEMENT (*January, 2009*)**

Public working groups will be established during the strategic planning process to assist the Department in developing broad goals and objectives for fishing opportunities. Within geographic areas of the state, fisheries managers, working collaboratively with anglers and other stakeholders, will determine the principal fishery and management objectives for waters they manage. Based on these management objectives, managers will develop management programs designed to produce the desired fishery. Whenever practical, partnerships and volunteers will be employed to assist in the implementation of management programs.

The Division of Fisheries and Hatcheries will gather public input, including holding a public meeting if appropriate, prior to making decisions regarding proposals to make significant changes in long-term management programs. See also sections H3, H4.2, H6.2, and H6.3 for additional opportunities for public involvement in management decisions.

## **H2. POLICIES FOR FISHERY INFORMATION AND EDUCATION (*January, 2009*)**

Fishery informational and educational emphasis will be directed toward gaining public recognition of and support for Maine's unique fish populations, management opportunities and needs, and the unique fishing experiences provided by different fish populations. Informational and educational efforts will also be directed toward creating a public understanding of fish biology, limiting factors and stocking as a population management tool, as well as the role of regulation in achieving a balanced and healthy population. High priority shall be placed on:

- Developing an ongoing informational and educational effort to increase public awareness of the impacts of illegal fish introductions and to increase public support and assistance with the enforcement of laws designed to discourage these actions.
- Supporting conservation and educational events sponsored by conservation organizations. Fisheries biologists and game wardens will participate in such events whenever possible.
- Informing the public of fishing opportunities and providing educational and marketing programs to encourage angler recruitment and participation.
- Informing the public of the extent and value of the State's native and wild salmonid resources and other significant fisheries and explaining management techniques used to protect them.

### **H3. POLICIES FOR FISHING REGULATIONS AND ENFORCEMENT (*January, 2009*)**

The Department shall develop, implement, review, and update fishing regulations to achieve management objectives that are designed to conserve native and wild fish populations, maintain or improve fisheries and provide a diversity of fishing opportunities.

Regulations will be guided by sound fisheries science, and developed with public input.

Regulations will be implemented to sustain native and wild salmonid populations, to maintain their genetic diversity, and, as appropriate, to increase their contribution to the fishery.

Law enforcement efforts will be encouraged to ensure compliance and to achieve fisheries management objectives in the following priority areas:

- Prevention of illegal fish introductions,
- Protection of threatened and endangered fish populations,
- Protection of native salmonid and wild salmonid populations,
- Protection of fisheries based on “biological” stockings.
- Protection of bass and smelt populations,
- Enforcement related to put and take salmonid fisheries and to warmwater fisheries other than bass.



## H4. POLICIES FOR STOCKING

Fishery managers will give preference to native and wild salmonid populations where they exist, and will make efforts to conserve them through habitat and regulatory protection.

### H4.1 Stocking Public Waters (January, 2009)

The Department stocks fish to provide fishing opportunities that would not otherwise be available. Fish culture in Maine is limited to salmonid species (trout and salmon). Warm water species, such as bass, pickerel and perch are prolific and can sustain their populations without stocking.

The Department stocks public waters to benefit the general fishing public, not just those who own shore frontage on the waters of the State. Therefore, the Department will not stock waters that lack reasonable and equitable public access. The following factors will be considered in determining if reasonable and equitable public access exists:

- **Size and type of watercraft in common use,**
- **Type of available access for those that reside on the lake shore (public access should be at least similar to, but no less than that available to shoreline residents),**
- **Availability of safe and adequate parking,**
- **Size of the water,**
- **Juxtaposition to human population centers,**
- **Current and future potential use,**
- **Kind of fishing opportunities in common use (present & potential),**
- **Seasonal fishery management focus**
- **Existing shoreline development,**
- **Availability of existing access for use by the general public (considering use fees, hours of operation, residency/affiliation requirements, and other potential limitations/restrictions).**

*Introductory stocking* is done to establish a fish species in a water in which the species was not originally present with the expectation that it will then be able to maintain itself through natural reproduction. Stocking is discontinued when the species has become established.

*Maintenance stocking* is a program of routine, continuous stocking (on various timetables) to supplement or substitute for natural reproduction. This kind of stocking is done where there is suitable habitat for fish to survive year-round and grow, where habitat for natural reproduction is limited or non-existent, and where potential angler use is sufficient to ensure that the stocked fish will be caught. Hatchery fish are released, survive and grow, and then are caught by anglers.

*Put and take stocking* is the stocking of legal-sized fish into waters with the expectation that they will be caught within a short time. These waters may not provide habitat conditions suitable to sustain year-round fisheries; however, angling opportunity is created for short time periods, such as the spring open water season, fall open water season, or the ice fishing season. Little or no carryover from one year to the next is expected because of seasonally

poor habitat. These waters are typically very accessible, and they are often located near population centers. The primary objective of stocking legal-size fish is to provide anglers with the opportunity to fish for salmonids where they might not otherwise have that opportunity, and to take home fish that are safe to eat.

*Experimental stocking* is used in special situations, for example, to help predict the success of stocking new strains, stocking different sizes, or new stocking rates. The program may then be changed, continued, or stopped, depending on results of the stocking. As appropriate, public input will be sought prior to initiating experimental stockings (see following section).

#### **H4.2 Proposals to Initiate New Stocking Programs (January, 2009)**

- A. Native brook trout waters (Heritage Waters) cannot be stocked with any fish species from any hatchery or wild source without legislative approval (Sec. 2.12 MRSA 12461). See also Section H6.2 in this document for additional policies re the management of native salmonids.
- B. Proposals for stocking into lakes or ponds designated Wild Brook Trout Waters are required to follow the protocols described found in Policy H6.4 (page 23).
- C. Formal proposals will be prepared to initiate **new** salmonid stocking programs in waters not designated as either Wild Brook Trout Waters or Heritage Waters. Although requests to stock may originate from the public, administrative staff, etc., formal proposals will be prepared and presented by the Regional Fisheries staff in the region in which the fishery occurs.

**Formal proposals to stock will include the following elements:**

- 1. Name of water, watcode, location, etc;**
- 2. Lake inventory printout,**
- 3. Map showing any wild and/or never-been-stocked waters in the drainage,**
- 4. Management history including regulations, stocking, etc.,**
- 5. Type of program proposed, i.e. introductory/maintenance/experimental;**
- 6. Source of fish, i.e. hatchery stock or feral stock,**
- 7. Plans for evaluation**

**Completed proposals to stock will be presented to the fishery administration. The administration will, after careful consideration, return them to the appropriate Regional Biologist with instructions to proceed to the peer review as is, or to modify the proposal. If modifications are requested, the Regional**

**Biologist will make the changes indicated and send the proposal back to the administrative staff for their approval after which the Region will submit the approved proposal for peer review. The peer review will be conducted by a committee consisting of at least one person from each regional fishery staff, at least one person from the Bangor fishery research staff, the Fishery Management Supervisor, and up to two fisheries (or closely related field) scientists not directly employed by IF&W. The Director of Fisheries will select the committee members. The Fishery Management Supervisor will serve as the chair. Deliberations can be in the form of e-mail, conference call, or meetings. Each committee member will carefully consider all of the elements of the proposal. The committee will return the proposal to the Administration with their recommendation for:**

- 1. Approval as presented,**
- 2. Modification, *or***
- 3. Denial.**

Proposals recommended for modification will be returned to the affected regional office and, subsequent to appropriate modification, resubmitted to the peer review committee within 30 days for final approval. Modified proposals not returned to the peer review committee within 30 days will be considered denied.

Proposals that have successfully passed the Division's peer review process will be presented for public input **in accordance with Sec. 1. 12MRSA 12758-A**. When the Bureau of Resource Management plans to stock an inland water for the first time or to stock a new fish species or permanently stop stocking a fish species that is currently being stocked in an inland water, the department shall notify the public as provided in this section and allow for public comments on the stocking plan prior to implementing that plan. The department shall include on its publicly accessible website, in a manner that is easily identifiable and accessible by the public, notice of fish stocking plans identified under this section and allow public comment within a reasonable period of time. The department shall also provide notice by e-mail to organizations and individuals who have requested such notice. The department shall provide notification as provided in his section at the same time the stocking plan becomes a Bureau of Resource Management proposal. This section does not apply to a private pond or a fishing program for children.

Public outreach to accomplish this may utilize public meetings, the Division's Weekly Fishing reports, and/or local, regional and/or statewide media including newspapers, radio, and/or television. Public input will be accepted in the form of oral comments, letters, and/or e-mail. Public input received as a result of outreach will be reviewed and considered in making the final decision. A Fishery Administrator will be responsible for making the final decision.

- D. All introductions of non-salmonid fish and other organisms into waters where they do not occur require peer review by the Division of Fisheries and Hatcheries and

approval of a Fisheries Administrator **and public input in accordance with Sec. 1. 12MRSA 12758-A.**

Certain Additional Procedures Apply to Proposals to Stock and/or Transfer the Following Organisms:

1. Black bass:

The staff pathologist of the Division of Fisheries and Hatcheries must examine a sample of live bass from the donor water for pathogens and parasites of regulatory concern.

2. Crayfish:

The staff pathologist of the Division of Fisheries and Hatcheries must examine a sample of live crayfish from the donor water for pathogens and parasites of regulatory concern. In the interest of preventing the potential transfer of fish diseases or parasites and to reduce the potential for impact to native species, only species of crayfish native to Maine waters will be transferred; crayfish from waters outside Maine will not be used. Crayfish can be a second intermediate host to *Paragonimus westermani*, a lung fluke that can parasitize humans.

3. Other Species:

Each transfer is subject to approval by a Division of Fisheries and Hatcheries Administrator following peer review, followed by a fish health inspection of a sample by the staff pathologist before the transfer can occur. The staff pathologist will also examine a sample of any other aquatic organism proposed for stocking in inland waters before such a stocking can occur.

4. Smelts:

Smelt transfers using eggs will be made only after proper salt dip to treat against transfer of *Glugea hertwigi*. Experimental transfers of adult smelts or stockings of smelt fry will require peer review and approval by a Fisheries Administrator. Experimental smelt transfers and/or stockings will require appropriate evaluation to determine their results and effectiveness.

E. Fishless Ponds: proposals to stock fishless ponds require review per H4.2-B, above.

### **H4.3 Stocking Private Waters (January, 2009)**

Before **any fish** can be stocked into **any Maine water**, a stocking permit is required from the Department.

Private waters are not generally stocked by the Department of Inland Fisheries & Wildlife, except for fishing events held in conjunction with educational or special programs sanctioned by the Department, or where equitable access provisions are extended to the public.

For permitted stocking of private waters, fish can be purchased within Maine from any of several private commercial hatcheries. Anyone planning to import fish into the state must first contact the Department for importation requirements. All stockings of hatchery-reared fish into privately owned waters in Maine require stocking permits from the Maine Department of Inland Fisheries and Wildlife.

#### **H4.4 Private Stocking in Public Waters (January, 2009)**

As public waters belong to the people of Maine, there shall be no private stocking of any public water:

- which drains directly or indirectly into a state or private fish cultural station water supply,
- where fish with diseases or parasites would pose a potential problem to wild populations,
- where there is dissimilar private and public access to the water for fishing, or
- where private stocking would interfere with this Department's fisheries management programs.

Proposals for private stockings of public waters should comply with appropriate DIFW guidelines and procedures in this document.

#### **H4.5 Illegal Stocking (January, 2009)**

Unauthorized introductions of invasive, exotic fish species are particularly destructive to Maine's native fishery resources, and they may also cause irreversible changes to entire aquatic ecosystems by restructuring plankton and forage fish communities that have evolved since the last glacial retreat. Strategies to eliminate or control invasive fish are costly, difficult to design and implement, and often almost entirely ineffective.

The unauthorized introduction of fish into any Maine water is illegal. Emphasis will be placed on preventing unlawful acts (see Policy H3). If unlawful introductions do occur, the Department has established a rapid response policy designed to isolate and, if possible, eliminate invasive fish and aquatic fauna (see Policy H9).

The Department will remove any specific regulatory protection to a fish species illegally introduced subsequent to the effective date of this directive. Furthermore, when a practical benefit can be reasonably expected, the Department will adopt regulations designed to

maximize the take of the illegally introduced species, and may also implement other appropriate management strategies designed to eliminate them or control their numbers.

#### H4.6 Stocking, Transferring, and Disposing of Dead Fish at State Hatcheries *(January, 2009)*

To clarify existing procedures, policies, and regulations affecting the stocking and transfer of live fish, and the disposal of dead fish at State Fish Hatcheries and Rearing Stations, the following guidelines are established:

##### 1. Stocking Fish

All Fish and Wildlife Department stockings of hatchery-reared fish into public waters in Maine require stocking orders from the Superintendent of Hatcheries or a Director of the Fisheries Division.

Two statutes in Title 12 MRSA address the stocking of fish from state fish hatcheries and rearing stations. Chapter 923, Subchapter 2, section 12510, 2) states “The Commissioner may issue a written permit allowing a person to introduce fish of any kind into any inland waters by means of live fish or otherwise.” Stocking orders written by the Superintendent of Fish Hatcheries serves as the permit. Chapter 923, Subchapter 2, section 12511, 1) states that “A person is guilty of illegally introducing fish or fish spawn if he introduces fish or fish spawn raised by the Department into a private pond.” No fish raised in state facilities can be stocked in private ponds, except that such an introduction may be permitted for fishing events held in conjunction with educational or special programs sanctioned by the department or where equitable access provisions are extended to the public. Specific details of stocking procedures and responsibilities are covered in a separate policy.

##### 2. Transferring Fish

Live fish are to be transferred to other state fish hatcheries, rearing stations, other agencies, persons, etc., only when orders are issued by the Superintendent of Fish Hatcheries, or a Director of the Fisheries Division. Hatchery managers will file with the central office a transfer slip describing the species, number, weight, lot number, date, and destination of all fish or eggs to be transferred.

##### 3. Disposal of Dead Fish

All mortalities occurring at state fish hatcheries and rearing stations shall be properly disposed of. Routine mortalities are normally dumped in a landfill, buried on station or incinerated. Occasionally mortalities may be transferred to wildlife personnel for feeding animals and birds. Sometimes edible fish are sacrificed if they are unsuitable for release into public waters or if they are part of

a fish health sampling program. These fish may be made available to non-profit groups for humanitarian reasons, or utilized for animal feeding. A transfer slip shall be filed, as above, describing the dead fish and their ultimate disposal. Under no circumstances will naturally occurring mortalities or sacrificed fish be given to anyone without authorization by the Superintendent of Fish Hatcheries or a Director of the Fisheries Division.

#### H4.7 Fish Stocking Procedures and Responsibilities (January, 2009)

Fish stocking activities resulting from fish produced at State Fish Hatcheries and Rearing Stations are a substantial part of our overall fishery management programs and contribute to a major portion of the fishing opportunity for coldwater fisheries statewide. Hatchery-reared fish are stocked at sub-legal size to supplement wild populations where natural reproduction is inadequate to maintain a fishery or to replace natural reproduction where spawning habitat is absent. Legal-size fish are stocked to provide fisheries in acceptable habitats where natural reproduction cannot occur and growth and long term survival is not expected and to provide easily accessible recreational fishing opportunities to the public. Because of the importance of these fish to management programs, it is essential that they be handled and stocked in a manner that will assure the highest possible survival. The following guidelines have been developed over many years to produce the best possible returns from these fish, thereby enabling the fishing public to get the most for their stocking dollar:

##### I. General Instructions and Procedures

A. No fish shall be stocked in any water without stocking orders. During stocking, any changes to the stocking orders must be authorized by the Superintendent of Hatcheries or a Director of the Fisheries Division before being enacted or returned to the hatchery. Biologists, Wardens and Fish Culturists do not have the authority to change stocking orders in the field.

B. Identifying the proper stocking location is very important. All hatchery transport trucks shall be equipped with a Delorme Maine Atlas and Gazetteer and truck drivers will refer to these maps when traveling to unfamiliar waters. Hatchery personnel will refuse to stock a water if there is any doubt as to the correct identity of the water. If a biologist or warden fails to show up at the designated place and time, hatchery drivers will attempt to contact that person or an alternate by radio or telephone if possible. If not, the driver will stock the fish only if absolutely certain of the water's identity and if the fish have a reasonable chance to survive without being boated. Otherwise, the fish will be returned to the hatchery.

C. The driver will avoid stocking near lake outlets and hazards that could compromise the survival of stocked fish.

D. In the event of a breakdown, drivers will not stock alternate waters unless they have stocking orders. Transport trucks will be equipped with directories of radio call numbers and telephone numbers. Drivers will call for assistance and attempt to keep

their fish alive until help arrives. Do not add water from brooks or lakes to transport tanks unless equipped with an adequate filter to remove fry of rough fish, etc. It is better to lose a load of fish than to stock the wrong water or to inadvertently stock rough fish into new waters.

E. The hatchery truck driver has complete responsibility over all stocking to see that it is done properly. Hatchery personnel have more training and experience in handling fish and are in a better position to know the stress limits of their fish than any other person on the scene. The driver will determine the number and/or weight of fish to be carried in buckets or cans used for boat stocking. All losses or unusual incidents should be noted on planting receipts. Excessive losses shall be reported to the Augusta office promptly by telephone so that arrangements can be made to replace lost fish. Hatchery truck drivers will initial each planting receipt for which they are responsible.

F. Whenever fish transport trucks or other equipment are used to haul any fish from any hatchery or water source other than the facility to which the truck is assigned, the equipment shall be completely disinfected before and after the task is completed. The disinfection process should be completed before the truck leaves the location of the most recent water contact. Disinfection should be completed according to protocol established by the Department's Fish Pathologist.

G. Hatchery managers will coordinate with regional fisheries staff to arrange stocking schedules that are designed to be as beneficial to fish survival as possible and that are compatible with hatchery operating schedules. Written stocking schedules are to be shared with the appropriate fisheries management regions to coordinate and optimize work efforts between hatcheries and fisheries staff. Just prior to the specific stocking, the hatchery manager will inform the Warden Service Headquarters of the waters in their areas where fish will be stocked. It is the responsibility of the Warden Service administration to notify the District Warden of the upcoming stocking.

H. At no time shall a state record fish be stocked into public waters. Special care must be taken when loading and stocking very large fish or long-lived brood such that every fish must be individually handled to ensure correct size and species identification.

## II. Boat and Shore Stocking

A. Lake Trout - All will be boated unless noted otherwise on stocking orders. Salmon - All will be boated unless noted otherwise on stocking orders. Brook Trout - All will be shore stocked unless noted otherwise on stocking orders. Brown Trout – All will be shore stocked unless noted otherwise on stocking orders. Rainbow Trout - All will be shore stocked unless noted otherwise on stocking orders. Splake – All will be shore stocked unless noted otherwise on stocking orders.

B. When fish are scheduled to be boated, it is acceptable to shore stock the last few fish remaining in the tank.



C. No fish shall be boated unless proper aeration such as 12-volt agitators or compressed oxygen is provided for each container.

### III. ATV Transport

ATV's and trailers that are properly equipped with containers, as described above, may be used to transport fish from the hatchery truck to inaccessible waters. ATV's shall be operated according to the policy governing their use.

### IV. Back Pack Transport

Fish may be transported to inaccessible waters by back pack when properly prepared at the hatchery in plastic bags with insulated containers or with special back packs. The fish should be starved for 48 hours prior to transport. Water should be chilled and approximately  $\frac{3}{4}$  of the volume of the container must be pure oxygen. Specific details on loading densities of different sizes of fish, etc. are available from the Superintendent of Hatcheries.

### V. Airplane Stocking

- A. Airplane stocking is expensive and limited by available aircraft and pilots. Waters to be stocked by airplane must be scrutinized carefully to be sure that alternate means of access are not feasible and economical.
- B. Prior to each stocking season, a list of waters to be stocked by airplane will be prepared in Augusta giving information on the loading sites, species, approximate weight of fish to be stocked in each water, and the number of tank-loads with/without oxygen to enable pilots to plan their flights.
- C. The pilot coordinator shall advise hatchery managers of the anticipated dates of airplane stocking and identify the pilots for individual flights/sites. Sufficient notification should be given when possible to enable fish to be starved 48 hours prior to transport.
- D. Hatchery managers will advise regional fishery personnel of the anticipated dates when fish will be stocked by airplane in their regions after arrangements have been made with the pilots. It is up to the regional biologist to contact the pilots if they desire to be present at stocking time.
- E. Warden pilots shall not stock any waters that are not designated by authorized stocking orders, nor shall they stock any water if there is any question of its proper identity. To ensure the best possible survival of the fish, Warden Pilots shall land on the designated stocking water before releasing the fish if at all practicable. Preprogrammed G.P.S. (Global Positioning System) coordinates for waters to be stocked, referenced by the water code numbers have been provided to each warden aircraft. The G.P.S. program is to be used to ensure that the correct waters are stocked. If problems with the system or incorrect coordinates occur, it is the responsibility of the Warden Pilot to ensure that corrections are made.

## VI. Loading Sites

- A. Lakes and Rivers – Sites for loading floatplanes are carefully selected with regard to the species present, distance to the waters being stocked, and accessibility to trucks and aircraft. Airplane stocking shall be conducted only from the sites designated on the written orders. Changes in this regard cannot be made in the field without permission from Augusta. Under no circumstances will a more distant point be substituted for the convenience of truck drivers or pilots. Remember, the fish are all important. Some species cannot be flown from waters where they are not already established or where they could cause problems if some escaped. Some examples: Do not fly lake trout from Rangeley Lake. Do not fly brown trout from Rangeley Lake, Moosehead Lake, or Chesuncook Lake.

## VII. Loading

- A. Whenever several trucks are involved with airplane stocking at a single location (e.g. Embden, Greenville, Rangeley), the hatchery manager supplying the bulk of the fish shall appoint an experienced fish culturist to coordinate the day's operations. This person will take the first load of the day to the site and remain there throughout the day to oversee the loading and handling of fish.
- B. The loading coordinator will have authority over hatchery staff at the flight location. He will hold or release staff as needed for loading aircraft. He should make every effort to release staff with the greatest distance to travel as early as possible to avoid unwarranted long workdays.
- C. Do not fill airplane tanks with lake water unless equipped with proper filters to exclude eggs and fry of unwanted rough fish species. Nearly all major airplane loading sites on lakes and rivers have rough fish such as yellow perch that could be inadvertently transferred with water.
- D. Combination loads for more than one destination shall not be hauled at the same time on the same aircraft. An example would be lake trout and salmon loaded into separate tanks on the same flight and destined for two different lakes. A combination load is acceptable when all of the fish are destined for the same lake.
- E. Factors such as species, fish size, fish condition, water chemistry, water temperature, air temperature in flight, length of flight and whether or not oxygen is used all affect the size of loads that can safely be transported. The carrying capacities of our airplane tanks have been carefully determined. The loading limits that have been established are maximum limits for the flying of fish under optimal conditions. Maximum loads may be taken if the flights do not exceed 20 minutes and the water temperature for brook trout, splake, and brown trout does not exceed 63 degrees F. Lake trout and Sunapee trout should not be transported if the water temperature is above 63 degrees F. The hatchery employee acting as loading coordinator will use good judgment in reducing the load sizes whenever conditions are less than ideal. Maximum load limits

are not to be exceeded under any circumstances. If you have just a few more pounds than the tanks should be loaded with make two flights with light loads.

#### MAXIMUM LOAD LIMIT

	<u>With Oxygen</u>	<u>Without Oxygen</u>
<u>Cessna Tanks</u>		
Brooks/Browns/Splake/Rainbows	90 lbs/41 kg	60 lbs/27 kg
Salmon/Togue	45 lbs/21 kg	30 lbs/14 kg

#### VIII. Aborted Missions

- A. Whenever bad weather or aircraft breakdown prevents flying after the truck(s) reach the loading site, hatchery managers or stocking coordinators may be able to provide their drivers with alternate waters to stock if they have stocking orders for the same species, strains and ages in that area. If substitutions cannot be made practicably, the loads must be returned to the hatchery of origin.
- B. On occasion, bad weather or mechanical problems will cause aircraft to return to the loading site with the fish still on board. The fish may be removed by dumping the aircraft tanks into a section of seine netting and carried back to the truck. CAUTION. If the aircraft tanks were loaded with water from any source other than the origin of the fish, such as filtered lake water, water from other hatcheries, etc., the fish cannot be returned to the hatchery but with the exception of splake may be stocked in the water where the flight originated. Should aircraft safety be of concern, the Warden Pilot will make decisions in compliance with Warden Service Policy #30 – Aviation. If the aircraft tanks are loaded and the scheduled water cannot be stocked, the Warden Pilot, should contact the hatchery manager or the stocking coordinator for alternative waters as described in H4.7, VIII-A. If no alternate water can be located and the pilot is unable to return to the loading site, the fish should not be stocked. If the flights are cancelled and no alternate stocking waters are known, the driver must contact Augusta for further instructions.
- C. The pilot who actually stocks the fish must sign the planting receipts. If more than one pilot stocks a water, all names should be noted on the receipt.
- D. Any unusual incidents (accidental tripping of tanks), excessive losses or mortalities should be noted on the planting receipt and reported to the Augusta office the same day. Arrangements will be made to replace lost fish whenever possible.

## **H5. POLICIES FOR ACCESS AND FISHING OPPORTUNITY**

### **H5.1 Public Access (January, 2009)**

The purpose of the Department's Access Program is to ensure that the public is able to gain access to Maine's public waters and to the fisheries within them. By law, all great ponds belong to the people of Maine. Private land ownership may limit access to great ponds. Because fishing opportunity is dependent on the public's ability to access the waters to fish, acquiring publicly-owned points of access is critical, especially in areas where heavy development or restrictive private access already limits legal public access.

It is also important to provide legal public access to flowing waters, although there is no parallel legal right to use flowing waters. Such acquisitions must, therefore, include enough land to allow access to stretches of the river or stream.

The Department supports the right for anglers to access all publicly owned waters. However, the level of desired public access is not the same for all waters (see H4.1). A policy of appropriate access, consistent with the strategies delineated in Maine's public access plan<sup>1</sup>, is recommended. Undeveloped access is recommended on selected waters (including Remote Ponds) to maintain traditional fishing experiences and to discourage overexploitation.

The Department will not stock waters that lack reasonable and equitable public access. (See Policy H4.1)

### **H5.2 Youth Fishing Initiatives (January, 2009)**

It shall be the policy of the Department to promote and support fishing opportunities for junior anglers through Department sanctioned Hooked on Fishing events sponsored by fish and game clubs and other private organizations, Youth Field Day events sponsored by the Department and sporting organizations, and other initiatives such as the creation of urban fishing opportunities for warmwater and coldwater fish species. Department employees shall support the promotion, planning, coordination and execution of these opportunities. Plans shall be made for the production of hatchery fish to meet the anticipated needs of this program. Consideration should be given to supplementing existing youth opportunities or adding additional youth opportunities when unscheduled fish are allocated.

### **H5.3 Angling Opportunity on Public Water Supply Sources (January, 2009)**

Whereas, scientific studies have shown no measurable impact on reservoir water quality by anglers, and whereas, the Commissioner of Inland Fisheries and Wildlife under State of Maine law has the responsibility for the management of all inland fish and wildlife in the state, the Maine Department of Inland Fisheries and Wildlife adopts the following policy:

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<sup>1</sup> Strategies For Addressing Site Acquisition, Development, and Management Issues (pp43/58), in: Strategic Plan For Providing Public Access to Maine Waters For Boating and Fishing. Prepared by: The Maine Department of Conservation and Inland Fisheries and Wildlife, March, 1995.

The Maine Department of Inland Fisheries and Wildlife opposes the closure to angling of any body of water solely because that body of water is, or may be, a source for public drinking water.

## H6. POLICIES FOR SPECIES MANAGEMENT

### H6.1 Endangered or threatened fish populations (January, 2009)

No action will be taken which poses unreasonable risk to recovery efforts for state and federal Threatened or Endangered species. Management of Threatened or Endangered species will be directed towards their recovery. Management strategies may include habitat protection and restoration, special law enforcement details, research directed at determining factors limiting recovery, stocking of suitable habitats, information and education programs leading to appreciation and support of the species and support for the recovery effort. A high priority shall be placed on securing funds to conserve these species.

### H6.2 Native Salmonids (January, 2009)

***Maine's native salmonids represent unique, valuable and irreplaceable ecological and angling resources. The Department of Inland Fisheries and Wildlife recognizes the historic and economic importance of Maine's native salmonids and, furthermore, focuses on conserving and protecting these aquatic resources.***

Native salmonid populations are naturally occurring, self-sustaining populations of landlocked salmon (*Salmo salar*), lake trout (*Salvelinus namaycush*), arctic char (*Salvelinus alpinus oquassa*), and brook trout (*Salvelinus fontinalis*) that have not been influenced by stocking of the same species in the same water, or by the same species in the same drainage where migration into the native population's water is possible. The Department shall maintain records, to be reviewed and updated on a regular basis, of the total number of native salmonid waters and the status of the populations in these waters. Indicators of population's status are summarized in the Department's Inland Fisheries Management Plans. These data will be used to monitor the status of Maine's native salmonid resource. Within the confines of personnel and financial limitations, the Department should undertake a systematic program of genetic analysis of native salmonid populations to determine the degree of genetic variability within the State.

Management will be directed toward preserving Maine's remaining native salmonid populations, and providing fisheries consistent with this goal. Management objectives for native populations will be developed with public input, and included in the Department's Inland Fisheries Management Plans.

Native brook trout fisheries in lakes and ponds provide principal fisheries for brook trout that rely entirely on natural reproduction and that have never been stocked with brook trout, directly or indirectly. Lakes and ponds having native brook trout fisheries are considered to be genetically unique. The Division of Fisheries and Hatcheries will maintain a list of these waters. These waters cannot be stocked with any fish species from any hatchery or wild source without legislative approval (Sec. 2.12 MRSA 12461). Furthermore, a lake or pond cannot be removed from the Division's list without the approval of the legislature.

In waters with principal fisheries for native salmonid populations (other than brook trout and char in lakes and ponds), stocking fish of the same species as the native salmonid species will not occur unless it is necessary to maintain the management objectives for that species. A proposal to stock the same species as the naturally occurring native species will require peer review by the Division of Fisheries and Hatcheries, an opportunity for public input, and approval by a Fishery Administrator (see Policy H4.2).

Species other than those already present in ongoing management programs will not be stocked without peer review by the Division of Fisheries and Hatcheries, an opportunity for public input, and approval by a Fishery Administrator (see Policy H4.2).

Management of non-native species shall not conflict with conserving native salmonid populations.

*The Department shall encourage protecting native salmonid habitat:*

- a) by supporting applicable environmental protection laws and in accordance with Department Policies;
- b) by zoning initiatives, such as shore land zoning in cities and towns, or the Land Use Regulation Commission's Land Use Districts and Standards in the unorganized areas;
- c) by monitoring water quality in native salmonid waters, as appropriate; and
- d) by working with conservation organizations and local groups to restore and enhance native salmonid habitat.

H6.3 Wild Salmonids (January, 2009)

These are self sustaining populations of salmonids that a) were created by stocking and are now able to fully or partially sustain a viable fishery through natural reproduction, b) are native (indigenous) populations in waters that have been stocked with the same species to enhance the fishery, or c) are native (indigenous) populations that may have been influenced by stocking of the same species in the same drainage where migration into the native population's water is possible.

Wild salmonids in some waters cannot sustain established fishing quality objectives without supplemental stocking, and therefore these waters are stocked regularly to augment natural reproduction. Stocking of fish of the same species as the wild species will not occur unless it is necessary to maintain the fishing quality objectives for the fishery. The Department will solicit public input into this decision-making process. The public will also provide input into management options to encourage a higher quality fishery.

Stocking other fish species will not occur unless it is reasonably certain that stocking will not conflict with achieving the wild fishery management objectives that have been developed with public input.

#### H6.4 Wild Brook Trout Fisheries in Lakes and Ponds (January, 2009)

***Maine's wild brook trout lakes and ponds represent a unique, valuable and irreplaceable ecological and angling resource. While lake and pond populations of wild brook trout in other states have largely disappeared, Maine has retained several hundred lakes and ponds with healthy populations of wild brook trout. The Department of Inland Fisheries and Wildlife recognizes the unrivaled historic and economic importance of Maine's brook trout resource and, furthermore, focuses on the conservation and protection of this resource. Therefore the primary intent in managing wild brook trout fisheries in lakes and ponds shall be to maintain these self-sustaining fisheries, in so far as possible, without resorting to stocking brook trout.***

Wild Brook Trout Fisheries in Lakes and Ponds provide principal fisheries for brook trout that rely entirely on natural reproduction to sustain the fisheries, and that have not been directly stocked with brook trout for at least 25 years. These lakes and ponds may have received indirect stockings within the last 25 years.

*A lake or pond is deemed to have a **principal fishery for brook trout** if the species is regularly sought after by anglers and makes up a significant portion of the catch.*

*A principal fishery is said to be **self-sustaining** if it relies entirely on natural reproduction, that is, stocking is not required for its continued existence.*

*A brook trout fishery is deemed to have been **directly stocked** if brook trout from a hatchery or from another water have been stocked directly into that body of water.*

*A brook trout fishery is deemed to have been **indirectly stocked** if brook trout from a hatchery or from another body of water have been stocked into another body of water in the same drainage from which they could have migrated into the water in question.*

The Division of Fisheries and Hatcheries will maintain a list of these waters. This list will be updated annually and will therefore be dynamic because lakes and ponds will be added or subtracted as they are discovered to meet or fail to meet the criteria for inclusion (i.e. 1. they shall provide a principal fishery for brook trout, 2. their trout populations shall rely entirely on natural reproduction, 3. they shall not have been directly stocked with brook trout for at least 25 years). The Department will develop and implement policies that will provide the framework within which these waters will be managed. These lakes and ponds cannot be directly stocked unless a formal stocking proposal has successfully completed the process for initiating a new stocking program.

The primary management goal for “wild brook trout fisheries in lakes and ponds shall be to protect and conserve these fisheries. The following management strategies are to be considered and, if determined to be potentially useful, employed to manage wild brook trout fisheries,



before stocking can be proposed. This does not imply that each management strategy must actually be implemented and exhaustively tested before stocking can be considered. For instance, a very large lake with a great deal of weedy littoral zone, many tributaries, and no opportunity for a barrier on its outlet is not a candidate for reducing competition from yellow perch through reclamation, etc, etc. Ultimately, it shall be the responsibility of the Regional Fisheries Biologist in the Region in which the water occurs to make these determinations before preparing a formal proposal to for review. The strategies are not listed in order of priority.

- Manipulation of regulations.
- Habitat restoration/enhancement.
- Removal/control of predator/competitor populations.
- Restoration/enhancement of forage.
- Control/elimination of disease/parasites.
- Other appropriate (non stocking) management strategies.

**Formal proposals to initiate a new stocking program for any species in any water on the list may only be prepared when all permissible management strategies (see above) have been determined by the Regional Fisheries Biologist to be ineffective in maintaining/restoring a wild brook trout fishery. Although requests to stock may originate from the public, administrative staff, etc., formal proposals will be prepared and presented by the regional fisheries staff in the region in which the fishery occurs.**

**Formal proposals to stock will include the following elements:**

- 1. Name of water, watcode, location, etc;**
- 2. Lake inventory printout;**
- 3. Map showing any wild/never-been-stocked waters in the drainage;**
- 4. Management history including regulations, stocking, etc;**
- 5. Consideration of permissible management strategies;**
- 6. Type of program proposed, i.e. restoration/supplementary/ongoing;**
- 7. Source of fish, i.e. hatchery stock or feral stock; and**
- 8. Plans for evaluation.**
- 9. Interests of area anglers.**

**Completed proposals to stock will be presented to the fishery administration. The administration will, after careful consideration, return it to the appropriate Regional Biologist with instructions to proceed to the peer review as is, or to modify the proposal. If modifications are requested, the Regional Biologist will make the changes indicated and return the proposal to the administrative staff for their approval. The Region will then place the approved proposal into the peer review process. At this time the Department will inform the public that a proposal to stock this water on the “B” list is under preliminary consideration, and that given the Department decides to go forward with the proposal, the public will be invited to comment.**

**The purpose of the peer review is to provide a professional, scientific determination of the necessity of the proposed stocking versus the primary goal for managing wild brook trout fisheries in lakes and ponds. A committee consisting of at least one person from each regional fishery staff, at least one person from the Bangor fishery research staff, the Fishery Management Supervisor, and up to two fisheries (or closely related field) scientists not directly employed by IF&W will conduct the peer review. The Director of Fisheries will select committee members. The Fishery Management Supervisor will serve as the chair of the committee.**

**The review committee will consider only those proposals approved by the fishery administration. The committee will act on each proposal within 30 calendar days of receipt of the proposal. Deliberations can be in the form of e-mail, conference calls, or meetings. Each committee member will carefully consider the proposal to determine if all the elements of a formal stocking proposal are present and if all permissible management strategies have been considered and deemed ineffective in maintaining the fishery. The committee will return the proposal to the Administration with their recommendation for:**

- 1. Approval as presented,**
- 2. Modification, *or***
- 3. Denial.**

Proposals recommended for modification can be changed as indicated and resubmitted to the committee for consideration within 30 calendar days of their receipt in the affected regional office. Failing that, these proposals will be treated as denied. Proposals recommended for denial cannot be forwarded to the committee for reconsideration for at least one year after the initial denial.

**A proposal that has successfully passed the Division's peer review process will then be formally presented for public input in accordance with Sec.1.12MRSA 12758-A. All proposals will be offered in an appropriate venue at a public meeting held for that express purpose. The formal proposal will be posted 14 calendar days prior to the meeting. Other types of public outreach may be utilized in addition to the required public meeting. Some of these methods include the Division's Weekly Fishing reports, the Department's web page, local, regional, and/or statewide media (newspapers, magazines, radio, television, etc). Public input in the form of letters, e-mail, etc. will continue to be accepted for up to 7 calendar days beyond the date of the public meeting. Public input received as a result of outreach will be reviewed and considered in making the final decision. A Fishery Administrator will be responsible for making the final decision.**

#### H6.5 Smelts (January, 2009)

Smelt management is guided by priorities developed by public working groups charged with developing goals and objectives. Management objectives, in order of priority, are as follows:

- a. Provide forage for salmonids;
- b. Provide a recreational fishery for smelts where it will not adversely impact salmonid forage; and
- c. Provide opportunity for commercial smelt fisheries where it will not conflict with salmonid forage or recreational smelt fishing.

Policy H4.2 (Stocking and Transferring Fish and Forage Organisms) provides guidance for stocking smelts.

#### H6.6 Bass Fisheries (January, 2009)

Where they occur in conditions that favor maintaining a warm water fishery, bass are managed for self-sustaining populations that support a principal fishery. As appropriate, management efforts in these waters will be primarily directed toward maintaining self-sustaining fisheries with an emphasis on high size quality but, nevertheless, offering a variety of angling opportunities.

Smallmouth bass and largemouth bass are not native to Maine. Since the late 1800's, they have been introduced, both legally and illegally, throughout much of the State. The management goal for both species is to maintain their present distribution, and limit any new introductions to waters where they will not threaten existing sport fisheries. The continued unauthorized expansion of the range of bass in Maine is a serious threat to coldwater game fish populations. Further illegal introductions will be vigorously discouraged. Policy H4.2 (Stocking and Transferring Fish and Forage Organisms) provides guidance for stocking non-salmonid fish species and other aquatic species.

The Department shall afford no specific regulatory protection to black bass populations established subsequent to the effective date of this policy. When a practical benefit can be reasonably expected, the Department will adopt regulations designed to maximize the take of the illegally introduced species, and may also implement other appropriate management strategies designed to eliminate or control them.

Bass clubs will be encouraged to provide educational programs to encourage angler recruitment and participation and to promote fisheries aquatic conservation and education. Fisheries biologists, game wardens and other Department employees are expected to participate in such events whenever possible.

#### H6.7 Warm Water Fisheries *(January, 2009)*

These are self-sustaining populations of perch, pickerel and other warm water species in waters where they constitute the principal fisheries. Management will be directed toward maintaining these fisheries and promoting their recreational use, especially for new anglers. Where principal fisheries for wild salmonids coexist with warm water species, and where it is practical to maintain a coldwater fishery, priority will be given to managing the wild salmonids.

#### H6.8 Northern Pike, Muskellunge, and Black Crappies *(January, 2009)*

All three of these species are not native to Maine. Each constitutes a serious threat to existing fisheries, especially fisheries for coldwater game fish. Further illegal introductions will be vigorously discouraged.

The Department shall afford these species no specific regulatory protection. When a practical benefit can be reasonably expected, the Department will adopt regulations designed to maximize the take of the illegally introduced species, and may also implement other appropriate management strategies designed to eliminate or control them.

## **H7: POLICY FOR INVESTIGATING AND REPORTING FISH KILLS** *(January, 2009)*

The following procedure will be followed in investigating and reporting fish kills:

1. Upon learning of a fish kill – whether directly or from the public – Department employees should report the incident immediately to the appropriate Regional Fishery Biologists, their immediate supervisor, and to the Director of Fisheries in Augusta. The Regional Fishery Biologist should in turn notify the Maine Department of Environmental Protection's (DEP's, DEP, MDEP) Division of Environmental Assessment (287-3901), and if pollution caused the kill, the appropriate DEP Regional office, if there is one in the area. (Presque Isle 764-0477; Bangor 941-4570; Portland 822-6300). If possible, the following information should be ascertained and passed along:

- a. Body of water involved
- b. Township
- c. Exact location of the kill
- d. Approximate time of occurrence
- e. Species, size of fish involved and magnitude of the kill
- f. Name, address, and phone number of the person reporting the kill
- g. Any other information pertinent to the individual case.

Fish kills frequently occur so quickly that all of the affected fish have begun to decompose by the time biologists arrive. Therefore, the first Department employee on the scene should attempt to collect and properly handle a sample of the affected fish. Samples should be collected while fish are still alive, or freshly killed, and kept constantly refrigerated, but not frozen. Partially decomposed specimens are of no value whatsoever.

2. The Regional Fishery Biologist, upon learning of the fish kill, should follow-up with a thorough investigation according to established DEP protocols for fish kills. If pollution is the cause, the fish kill should be inspected jointly by IF&W and DEP, when possible. A preliminary report should be made by telephone to the Director of Fisheries as soon as the facts have been determined. The Director of Fisheries would then inform the Commissioner and continue to do so as more information is gathered. Upon completion of a joint investigation, the DEP will submit a copy of a written report to the Director of Fisheries. On other than joint inspections, the investigating biologist will be responsible for this report.

3. Whenever there is evidence that an infectious disease is involved, the investigating biologist should contact the Hatchery Fish Pathologist. The Fish Pathologist will also be available for technical consultation as needed.

4. In the past, considerable embarrassment and unnecessary concern has been caused when Department personnel have made premature statements and speculations to the press. To avoid further problems in this area, all Department employees are to refer all inquiries from the press about specific fish kills to the Information & Education Division. News releases involving pollution caused fish kills should be made only by the DEP, as many of these may involve future legal action.

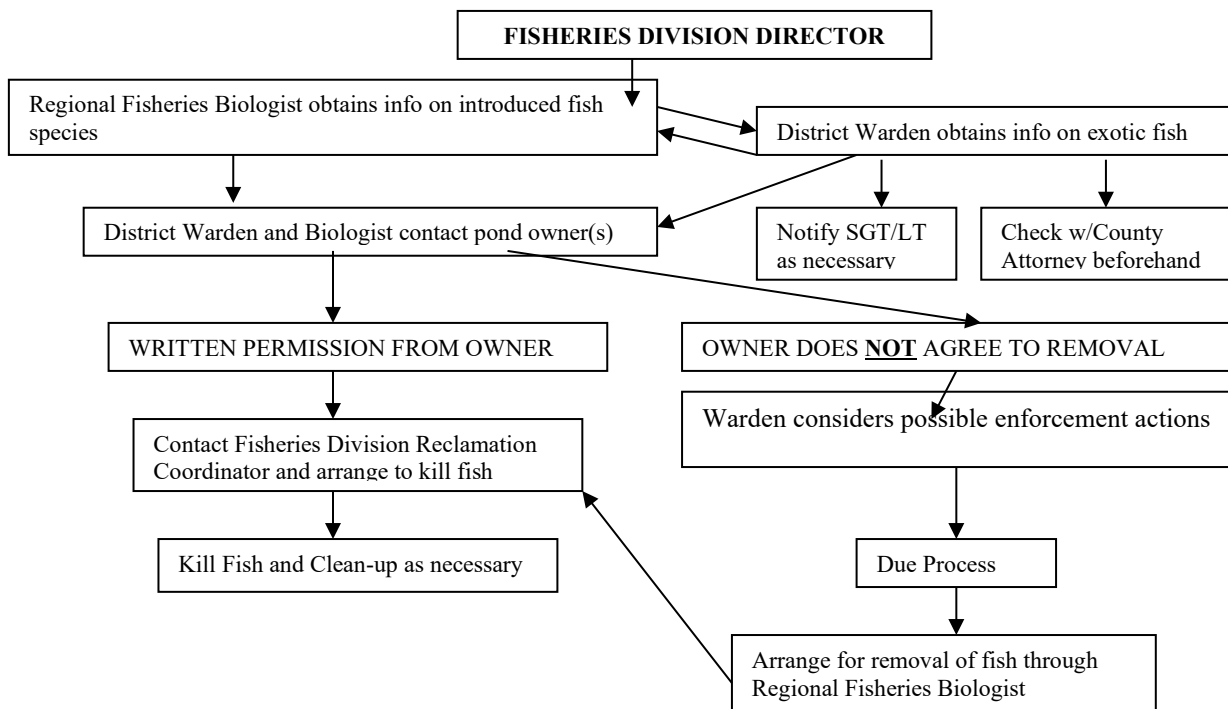
5. A central file on fish kills will be kept at the Augusta office in the Fisheries & Hatcheries Division.

**H8: POLICY FOR ERADICATING ILLEGALLY INTRODUCED FISH SPECIES FROM PRIVATE PONDS (January, 2009).**

The escape or transfer of illegally introduced fish (and possibly diseases and parasites) from privately owned ponds could have extremely detrimental effects on sport fisheries in public waters. Pond over-flows, bait trapping, and fishing provide potential avenues for transfer of these fish into the wild. Many illegally introduced species can survive and reproduce in Maine waters.

The Department’s goal is to remove as many of these populations as possible to reduce the chances of illegally introduced fish species becoming established in public waters. The action(s) to be taken will be determined on a case-by-case basis dependent upon the level of risk, the likelihood for success and the availability of staff and resources. The most common and effective means of removal will be an application of rotenone supplied by the Maine Department of Inland Fisheries & Wildlife. A MDEP license may be required for the application of rotenone in private ponds that are associated with wetlands, streams, great ponds or other public waters.

Coordination between Regional Fisheries Biologists and District Wardens will be necessary in every case. Both should be present when the individual is contacted. The situation should be explained to the private pond owner and every effort made to obtain his cooperation and his written permission for removal. However, in some instances a summons may be required. **Written permission or a summons must be obtained before any action is initiated.** The following flow chart displays the course of action to be followed:



## **H9. POLICY FOR RESPONDING TO INTRODUCTIONS OF INVASIVE FISH AND AQUATIC FAUNA IN PUBLIC WATERS** *(January, 2009)*

A Rapid Response Plan has been developed by DIFW and DEP to ensure that appropriate protocols, trained personnel, equipment, permits, and other resources are ready to go to contain or eradicate newly detected illegal plant or animal introductions as they are reported or discovered by agency personnel (go to:

[www.maine.gov/dep/blwq/topic/invasives/invplan.htm](http://www.maine.gov/dep/blwq/topic/invasives/invplan.htm) to view the Rapid Response Plan).

DIF&W has lead responsibility for fish and aquatic fauna. The primary goal of rapid response deployment is to initiate eradication efforts (which may take years to complete) or critical interim measures to achieve effective containment while a longer-term eradication or suppression strategy is formulated.

DIF&W will follow the procedures described in the Rapid Response Plan in responding to a newly detected invasive aquatic fish introduction, unless unusual circumstances dictate otherwise. Regional fisheries biologists, in most cases, will manage the response to a new introduction, according to steps outlined in the Rapid Response Flow Diagram for Fish. This is available at MDEP's website:

[www.maine.gov/dep/blwq/topic/invasives/rrp\\_part2final.pdf](http://www.maine.gov/dep/blwq/topic/invasives/rrp_part2final.pdf)



## **H10. POLICY FOR ISSUING LIVE BAIT PERMITS FOR CLOSED WATERS**

*(January, 2009)*

It is the intent of this policy to increase the supply and availability of live baitfish from Maine waters for use by Maine anglers. This policy is intended to implement, in a uniform manner, statewide, 12 MRSA Part 12, Chapter 923, Section 12513, which reads as follows: Permit to take baitfish. Whenever inland waters are closed to fishing, the commissioner may issue permits to take baitfish for bait purposes from those waters.

- A. Live Bait Dealers will be issued a statewide permit to take bait with the exception of waters designated as closed or conditional on an annual list attached to the dealer's permit. When the dealer purchases his license, these permits will be issued by the Licensing Division
- B. It is illegal to store live bait in any water where the use of live bait is prohibited during either the entire ice fishing season or the entire open water fishing season. This includes waters restricted to the use of artificial lures only during the ice fishing season and waters restricted to fly fishing only or artificial lures only during the open water fishing season.
- C. The list of waters closed to the taking of live bait, and waters opened conditionally to the taking of live bait, will be maintained in the Augusta office, and in each of the regional offices. This list will be reviewed and revised as necessary annually.
- D. A statewide permit should not be issued to anyone other than a Live Bait Dealer.
- E. Permits to trap bait in closed waters by other individuals will be granted by Wardens or Fishery Biologists utilizing the standard Fish and Wildlife Department permit.
- F. Individual permits may be issued on a specific water basis in accordance with the closed/conditional waters list provided to bait dealers.
- G. Each permit should contain the following information:
  - 1. The applicant's name, address, and phone number.
  - 2. Specific name of the water body, township, and county where trapping will be conducted.
  - 3. The effective date and expiration date.
  - 4. The condition of the permit should be by bait traps only.
  - 5. Signature of Department's authorized agent and date of issuance.

## H11. POLICIES FOR HABITAT

### H11.1 Habitat Protection *(January, 2009)*

Protecting habitat and water quality shall be given the highest priority, especially on waters where wild fish populations depend on quality habitat for reproduction and rearing young. Habitat will be protected through compliance with environmental laws and management agreements. Habitat protection shall include the following:

- Technical assistance with the formulation of appropriate environmental laws and regulations,
- Technical input into the environmental permitting process,
- Supporting research and assessment to identify habitat and water quality protection needs and opportunities including water level management and river flow agreements,
- Assistance to landowners that will encourage land use management practices to protect waters,
- Land acquisition and management by the Department and other conservation groups,
- And the development of strong working relations with private landowners and regulatory agencies to ensure that access, development, and land management is done in a manner that protects the habitat quality of the waters and the fisheries they support.

### H11.2 Habitat Restoration *(January, 2009)*

A necessary precursor of any restoration project shall be the identification and correction of the conditions that produced/are producing the problem except insofar as such restoration is necessary for the public safety or to alleviate damage to private or public property. Furthermore, any restoration project will require rigorous evaluation of the effectiveness of that project.

Restoring degraded habitats may be undertaken where possible to restore, or improve the capacity of the habitat to support fish populations seasonally or throughout the year, or to allow fish to successfully reproduce and become self-sustaining. This may include projects such as restoration of structure and pools to degraded stream beds, ensuring passage through barriers, such as dams and other obstructions; restoring riparian forest cover for better water temperature regulations, providing for improved flow conditions or water levels and reclamation to remove/control invasive and competing species. Volunteers will be recruited in local restoration and cooperative projects and used whenever possible.

### H11.3 Habitat Enhancement *(January, 2009)*

Projects intended to enhance habitat, although very similar to restoration projects, are intended to improve the habitat value for certain fish species, but are not being done to restore

a pre-existing, or historical condition. Enhancement projects may be done as time allows and when local cooperative groups of volunteers can provide time and resources to accomplish the project. Careful identification of the conditions to be improved and evaluation of the effectiveness of completed projects will be required.

## H12. POLICIES FOR HEALTH AND SAFETY

### H12.1 Fisheries Scuba Diving (*January, 2009*)

#### I. Purpose and scope

A. Purpose: To establish procedural and operational criteria pertinent to Fishery Division Dive Team (FDT) activities.

B. Scope: The procedural and operational criteria set forth in this policy shall not supersede those outlined in the Department's Administrative Policy Regarding Scuba Diving. Provisions set forth in this policy are mandatory and shall be followed by all Fisheries Division personnel, including non-divers.

#### II. Administration

The administration of the Fisheries Division Dive Team shall be the responsibility of the Dive Team Administrator. The Dive Team Administrator shall be appointed by the Director of the Fisheries and Hatcheries Division, with advice from the FDT. He/she shall have successfully completed a nationally recognized SCUBA course and possess certification at the Open Water Diver level or higher.

1. For each dive situation the Dive Team Administrator shall designate a lead diver. The Lead Diver shall ensure that proper diving practices are adhered to, that policies and associated rules, requirements, standards, and procedures are followed, and that all personnel, including non-diver support staff, thoroughly understand each diving situation and exactly how to execute the task. The Lead Diver shall have sole authority over all Department personnel participating in the diving assignment.
2. The Lead Diver shall keep a written record of each diver's activities on an assignment. This written record shall be used to evaluate any injury/accident/unusual incident that may occur, as well as to provide documentation of SCUBA use by the Fisheries Division.

3. Each individual involved in a diving situation, including non-divers, shall have the responsibility and obligation to notify the Lead Diver if he/she does not feel competent to execute an assigned task.

### III. Diving Procedures

Safety - Regardless of the nature of a diving operation, **SAFETY** shall be the primary concern of all personnel involved.

1. It shall be the responsibility of the Lead Diver to ensure that careful consideration is given to potential emergencies before any dive is undertaken so that necessary aid may be obtained as quickly as possible.
2. The Lead Diver shall conduct a pre-dive briefing with all personnel participating in the diving assignment. The pre-dive briefing shall include a review of all pertinent aspects of the dive, and assure all participants are prepared to effectively deal with emergency situations.
3. The Lead Diver shall assure that communication devices and Global Positioning System units are available at the dive site, and that all personnel are competent in their use.
4. The Lead Diver shall assure that emergency oxygen units capable of supplying an injured diver for at least one hour are available at each dive site, and that all personnel are competent in their use.
5. At least two certified divers shall be present at each dive site, regardless of the nature of the dive assignment.
6. Planing board work conducted by a single diver shall be restricted to depths of 20 feet or less. Two divers working on tandem planning boards will be required when depths are to exceed 20 feet.
7. Planing board boat operators will remain alert to observe and react to prearranged signals from the diver, maintain sight contact with the diver's buoy and/or bubbles, observe the surfaced diver and be alert for symptoms of diver related stress or illness, be capable of administering or seeking emergency assistance to the injured diver, and keep boat traffic away from submerged divers.
8. The buddy system shall be mandatory under the following conditions: a) when inspecting, installing, retrieving, or repairing nets of any kind, b) when diving to depths exceeding 20 feet, c) when unusual underwater hazards are expected, d) when strenuous labor is expected, e) when the prudent judgment of the divers demands it.

9. Injury to a diver shall be immediately reported by one of the on-the-scene members to the Dive Team Administrator. All FDT members having knowledge of the incident shall submit a written statement concerning the facts known by him/her to the Dive Team Administrator within 48 hours of the incident.
10. A rigid red and white striped dive flag shall be conspicuously displayed at each dive location.
11. As appropriate snorkeling with mask and fins shall be regulated under items 1-3 and 8-10 of this section.

#### IV. Dive Restrictions

1. All diving conducted by the FDT will conform to the PADI recreational tables. All dives shall be scheduled within no-decompression limits.
2. Dives shall be restricted to 60 feet or less unless permission is granted from the Dive Team Administrator or his/her designee.
3. FDT members shall not dive to depths exceeding 99 feet.
4. Fisheries Division divers shall not be employed to install, inspect, or repair fish hatchery water supply systems unless permission is granted from the Dive Team Administrator and the Director of the Fisheries and Hatcheries Division.
5. FDT members shall not conduct ice dives.

#### H12.2 Biosecurity and Disinfection Guidelines for Fisheries Field Work (January, 2009)

The guidelines below are designed to provide direction to fisheries professionals working in Maine's public waters in order to minimize the potential for spread of aquatic species including invasives. The guidelines have been written to separate aquatic plants, aquatic animals, and aquatic pathogens. Biosecurity is defined as, "practical steps that can be taken to minimize the spread of unwanted organisms."

##### **I. Procedures to minimize the spread of aquatic plants:**

- a. Vehicles, ATV's, snowmobiles - visual inspection with hand removal of plants before leaving boat loading/unloading area.
- b. Boats, trailers - visual inspection with hand removal of plants before leaving boat loading/unloading area. Remove drain plug and drain bilge water from boats, preferably at a location where the wastewater will not drain into any surface water.
- c. Personnel - visual inspection of personal equipment (i.e. boots/waders/gloves) with hand removal of plants before leaving boat loading/unloading area.
- d. Other Equipment- *same as above (c)*.

- e. Gillnets - aquatic plants must be removed from nets before they are moved between waters. Remove as much plant material as possible on site, thoroughly dry nets on drying racks at regional headquarters, and re-inspect/remove any remaining plant material before using on other waters. Nets should be dried on rack for a minimum of 3 days prior to storage.
- f. Trapnets and leads - aquatic plants must be removed from nets before they are moved between waters. Nets should be visually inspected on land with hand removal of plants before leaving the boat loading/unloading area. After seasonal use, trapnets should be transported to the regional headquarters, cleaned, thoroughly dried in direct sun or indoor storage area, and re-inspected to remove any remaining plant material. Insure all net sections and components are thoroughly dry for a minimum of 3 days. When possible, clean/dry nets and leads should be used between waters.
- g. Reporting Requirements - Aquatic plants of unknown species or plants known to be aquatic nuisance species should not be transported unless placed in a sealed container. Small specimens may be transported to the Maine Department of Environmental Protection for species identification (DEP contact: (207) 287-2813).
- h. Waters with Documented Infestations – Biological staff should be extra diligent when working on waters with known infestations to prevent the further spread of invasives. When possible, staff should minimize contact and disturbance of aquatic invasive plant beds to reduce the risks of spreading the plant within the water being sampled and elsewhere. A current list of known plant infestations is available at MDEP's website ([www.maine.gov/dep/blwq/topic/invasives/doc.htm](http://www.maine.gov/dep/blwq/topic/invasives/doc.htm)).

## II. Procedures to minimize the spread of aquatic animals:

- a. Vehicles, ATV's, Snowmobiles- visual inspection and removal of all visible organisms and mud. Use lake, stream water at loading/unloading facility to rinse equipment. Trucks, ATV's, and snowmobiles should be washed at car wash facilities or at the designated wash station at department offices. Washing frequency should be as needed, or at least once per season if used.
- b. Boats, trailers- visual inspection and removal of all visible organisms and mud. Use lake, stream water at loading/unloading facility to rinse equipment. Drain plug should be removed and bilge water drained, preferably at a location where the wastewater will not drain into any surface water. Boats and trailers can be washed at car wash facilities or at designated wash stations at department offices. Washing frequency should be as needed, or at least once per season if used.
- c. Personnel- personal equipment (i.e. boots/waders/gloves) should be rinsed clean of all visible mud and aquatic debris.
- d. Other Equipment- rinsed clean of mud and aquatic debris.
- e. Gillnets - Remove as much mud and aquatic debris as possible on site, thoroughly dry nets on drying racks at regional headquarters, and re-inspect/remove any

remaining material before using between waters. Nets should be dried on rack for a minimum of 3 days.

- f. Trapnets and leads - Remove as much mud and aquatic debris as possible on site. After seasonal use, trapnets should be transported to the regional headquarters, cleaned, thoroughly dried in direct sun or indoor storage area, and re-inspected to remove any remaining material. Insure all net sections and components are thoroughly dry for a minimum of 3 days. When possible, clean/dry nets and leads should be used between waters.
- g. Reporting Requirements- Unknown specimens and known aquatic invasive species should be transported in sealed containers for identification. Identification of invasive aquatic species should be reported to Maine Department of Inland Fisheries & Wildlife (MDIF&W contact: Director of Fishery Operations (207) 287-5261.)
- h. Waters with Documented Infestations – Biological staff should be extra diligent when working on waters with known infestations to prevent the further spread of invasives. In this case, nets should be cleaned, soaked in salt brine (3%) overnight to destroy freshwater aquatic organisms, rinsed, and dried in sunlight between uses.

### **III. Procedures to minimize the spread of aquatic pathogens**

A disinfecting area should be established at each regional office. The disinfecting area needs to have an outside water faucet and an adequate length of garden hose with sprayer. Ideally, the area should have excellent drainage or percolation, and should not drain directly to any surface waters.

- a. Vehicles, Boats, Trailers, ATV's, and Snowmobiles - No specific disinfection suggested at this time; however, periodic washing of larger sized pieces of equipment is recommended as specified under section III.
- b. Equipment - Field equipment that comes in constant contact with stream or lake water (i.e. waders, nets, seines, gloves, live cars, shocker wand and tail, measuring boards, etc.) should be cleaned & disinfected before use between waters. Disinfection for most equipment is accomplished with a 2oz. Nolvasan/gallon water solution in the large trashcan; however, a Quaternary Ammonia disinfectant can also be used according to label instructions. Equipment should be allowed to set in solution for 10 minutes then rinsed thoroughly.

If returning to the field office is not possible or practical, then equipment can be disinfected in the field between uses. Equipment should be sprayed with a hand-pump style sprayer and allowed to set during transit to the new water.

Delicate equipment, such as electronic scales, conductivity meters, thermometers, etc., should be sprayed with alcohol and allowed to air dry.

- c. Trapnets and leads – are too large to be soaked and unlikely to get reasonable disinfection with a spray system. After seasonal use, trapnets should be transported to the regional headquarters, cleaned, thoroughly dried in direct sun or

indoor area, and re-inspected to remove any remaining material. Insure all net sections and components are thoroughly dry for a minimum of 3 days. When possible, clean/dry nets and leads should be used between waters.

- d. Hatchery – Equipment including personal equipment (i.e. boots, waders, gloves) taken into a MDIF&W fish hatchery will be cleaned and disinfected before use in the hatchery. Equipment stored at MDIF&W fish hatcheries will be cleaned and disinfected before it is stored.
- e. Reporting Requirements - Fish encountered with lesions of reportable pathogens, or unknown pathogens should be preserved in 10% buffered formalin for storage or sent for immediate necropsy to the MDIF&W Fish Health Laboratory. Fish with obvious signs of clinical disease should be disposed of on land, rather than returned to the water to spread the pathogen.
- f. Waters w/ Documented Pathogens – Biological staff should be extra diligent with disinfection procedures when working on waters with known pathogen issues to prevent the further spread of the organisms.

Questions regarding proper cleaning and/or disinfection of field equipment should be addressed with the equipments manufacturer.



## APPENDIX A

MAINE STATUTES supporting the establishment of guidelines:

The "Invasive Aquatic Plants" provisions are codified in a number of places in Maine Revised Statutes Annotated:

5 MRSA 12004-D(6) -- Interagency task force expenses

12 MRSA 7791 (1-B) -- "aquatic plant" and (3-A)("invasive aquatic plant")

12 MRSA 7794-B -- Lake and river protection sticker

38 MRSA 7794-C lake and river protection sticker required

12 MRSA 7801(37)-(39) -- Failure to display lake and river protection sticker; launching a contaminated water craft, and operating a watercraft in a quarantined area

12 MRSA 7806 -- Lake and river protection fund

38 MRSA 410-N -- Aquatic nuisance species control

38 MRSA 419-C -- Prevention of the spread of invasive aquatic plants

38 MRSA Chapter 20-A -- Program to prevent infestation of and to control invasive aquatic plants

38 MRSA 20-B -- Invasive aquatic plants and nuisance species control

Amendments from the 2003-2004 legislative session:

Chapter 627. An Act to Amend the Laws Regarding Invasive Aquatic Species (effective July 30, 2004)

Chapter 655. An Act to Revise the Fish and Wildlife Laws to Complement the Recodification of those laws (IN PART) (effective April 22, 2004)

Reference:

Chapter 136. An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants (effective September 13, 2003).

Chapter 434. An Act to Prevent Infestation of Invasive Aquatic Plants (effective June 20, 2001)

Chapter 722, An Act to Prevent the Spread of Invasive Aquatic Plants (effective April 14, 2000).

The "Chapters" are in the form that a bill is enacted and signed. They contain temporary provisions, such as report and budget provisions, which are not codified into MRSA.

## APPENDIX B

### Equipment:

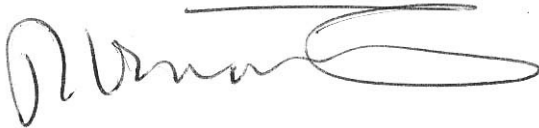
1 large (40+ gallon) trashcan\*  
Garden hose w/ spray nozzle\*  
Portable hand-pump sprayer for field disinfection\*  
Large stiff bristle brush\*  
Spray bottle\*  
Rubbing alcohol\*  
Nolvasan disinfectant or quaternary ammonia disinfectant\*\*  
Power washer (trucks, boats, etc.)\*\*\*  
Additional trapnets and gillnets, as needed\*\*\*\*

\* Each Region is to purchase the items marked by a single asterisk.

\*\* Fish Pathologist to purchase these chemicals.

\*\*\* Augusta to determine which regions are to be supplied with these.

\*\*\*\* Each Region will identify their needs for additional netting as necessary for implementing the Guidelines. The list of needs should be forwarded to Augusta.



Roland D. Martin  
Commissioner

Date: 10/13/2009

**ADMINISTRATIVE POLICY REGARDING ENFORCEMENT OPERATIONS  
OF THE BUREAU OF WARDEN SERVICE**

**I. POLICY:**

The Maine Warden Service is the enforcement bureau of the Department of Inland Fisheries & Wildlife. Statutory enforcement responsibilities include but are not limited to enforcement of all laws and department rules pertaining to the management and protection of the inland fisheries and wildlife resources of Maine. Enforcement of fish, wildlife and resource related laws and rules shall be our primary enforcement responsibility. Enforcement of laws and department rules associated with the operation of snowmobiles, watercraft and all-terrain vehicles shall be our secondary enforcement responsibility. Game wardens are also granted the same duties and powers as other law enforcement officers and have general enforcement authority for all laws of the state. Game wardens will perform non-wildlife and non-recreational related law enforcement when deemed necessary to prevent the loss of life or injury to a person; loss or destruction of property or when requested to provide assistance by another enforcement agency. The Warden Service will establish procedures and assign personnel in a manner consistent with these priorities and approved funding.

The goal of the Bureau of Warden Service is to insure that people comply with all laws contained within the Biennial Revision of Fish and Wildlife Laws published pursuant to M.R.S.A. Title 12 Section 7034(6), and department rules. Compliance with laws and rules of the State is necessary to sustain populations of fish and wildlife for everyone in the state to enjoy, and to provide a safe and enjoyable experience to all who engage in outdoor recreation in Maine. Each member of the Bureau is encouraged to seek partnerships and develop innovative approaches to achieving this goal.

Compliance will be obtained by using a balance of public information and education and law enforcement. Information and education efforts may be as broad as developing a community outreach program in a warden's patrol area, or as limited as personal contact with a person in the field. Education is furthered by contacting the public through routine patrol activities and checkpoints, organized educational programs, and through dissemination of material produced by the Department and other sources. Each Warden Service Division will establish and maintain an effective public outreach program.

Routine patrol activities, checkpoints, and investigations will be used to deter violations of law and to support resource management objectives of the Department. Enforcement activities and action taken upon detecting a violation of the law may include one or more of the following activities: an explanation of the law and steps needed to become compliant; a verbal or written warning; a summons to court; an arrest; and information gathering and referral to another agency. A warden must examine all the facts and make a fair and impartial judgment of the situation using training and experience before selecting the appropriate enforcement action. Beyond assessing whether or not a technical violation of law has occurred, a warden must consider the purpose of the law, the severity of the offense and the

intent of the person committing the unlawful act before acting on the situation. Intentional violators and repeat offenders will be the focus of intensive investigation and prosecution. Enforcement activities and action shall be conducted and applied in accordance with approved written law enforcement procedures. The Bureau will insure that recruit and continuing training address these basic principles.

Having a cadre of potential leaders trained and ready for promotion to supervisory and managerial positions is essential to individual and organizational success. The Bureau will develop and maintain a career development program designed to identify and train individuals with leadership potential.

Public trust is the foundation upon which the warden service stands. A relationship of trust and confidence between game wardens and members of the public is essential to engender support for conservation law enforcement and to attain compliance with fish and wildlife laws. This relationship is developed and maintained by treating all members of the public in a fair and respectful manner.

The public is encouraged to report situations when the conduct of a game warden is believed to be improper. Investigations of allegations and proper response when improper conduct does occur, protects the rights of the public and maintains the trust forged between the Maine Warden Service and Maine's citizens and visitors. The Bureau will maintain a responsive and effective complaint resolution program.

Employees define the Maine Warden Service. The service is comprised of people through whom all work gets done. Recognition of individual contribution is important to morale and effective leadership. The Service will maintain an active employee recognition program.

## I1.2

### **ADMINISTRATIVE POLICY REGARDING DEPUTY GAME WARDEN POSITIONS**

Effective January 1, 1984, it shall be the policy of the Department of Inland Fisheries and Wildlife that full-time employees of the Department are prohibited from outside employment as deputy game wardens as authorized by Title 12, MRS, Section 10351, §2.

This policy does not deny qualified full-time department employees the right to be considered for other positions/classes within the department, nor does it deny other outside employment performed in accordance with collective bargaining agreements and/or department policy.

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### CHAPTER 1. LAW ENFORCEMENT

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### **SECTION J. WILDLIFE**

#### CHAPTER 1. WILDLIFE

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- J1.2 Gravel Sales from Wildlife Management Areas
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- J1.6 Human/Wildlife Conflicts
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- J1.8 Coyote Snaring
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**ADMINISTRATIVE POLICY REGARDING WOOD HARVESTING  
ON WILDLIFE MANAGEMENT AREAS**

The Department plans and executes wood harvesting activities on its wildlife management areas that are designed to maintain or create the highest quality upland wildlife habitats possible. This is accomplished by employing management techniques that are designed to utilize existing habitat types to benefit either the greatest variety of wildlife or to provide an important habitat for a specific or "featured" species.

The public uses wildlife management areas as recreational areas. Public recreational activities consist of "consumptive" wildlife uses, such as hunting, trapping, and fishing, and numerous "non-consumptive" uses.

Wildlife management areas serve as demonstration areas where the public can see and be instructed about habitat management techniques, including forest management, that benefit wildlife and that might be incorporated on their lands.

Finally, habitat management in upland, forested sites produces a source of valuable fuel, fiber, and lumber. The Department will manage its forest stands to produce an economic source of sustainable, high-quality wood products, consistent with the objectives above.

In consideration of the above, this policy will be implemented:

Wood harvesting on state-owned wildlife management areas (WMA) will comply with the specifications and requirements set forth in the Wildlife's Division's *Environmental Assessment Report - Timber Management*, dated June 2001, which is on file in Augusta and the regional field offices.

Wood harvesting on state-owned wildlife management areas will be conducted in accord with a wildlife management area plan, completed and maintained by the Regional Wildlife Biologist. Each WMA plan will include one or more wildlife management objectives and a program and schedule for achieving the objective or objectives. All wood harvesting on a WMA will be conducted in accord with the objectives of the area management plan. WMA plans are on file in Augusta and the regional field offices.

The Regional Wildlife Biologist will establish and mark, as necessary, wildlife management area boundary lines before any wood harvesting begins. Boundaries will be established and marked in accord with the specifications set forth in the Wildlife Division's *Wildlife Management Area Standard Operating Procedures Manual*, which is on file in Augusta and the regional field offices.

The Regional Wildlife Biologist will mark individual trees to be cut or delineate the boundaries of areas to be harvested in accord with the specifications set forth in the Wildlife



Division's *Wildlife Management Area Standard Operating Procedures Manual*, which is on file in Augusta and the regional field offices.

Department employees who discover anyone removing wood from Department lands will determine if the individual has permission - anyone not possessing valid authorization will be referred to Warden Service for prosecution.

#### Harvesting of Wood by Individuals

The Regional Wildlife Biologist may authorize individuals to harvest wood on WMAs for fuel or construction material. No single household will be allowed more than ten (10 cords per year; the value of the material removed will not exceed \$1,200 per calendar year.

The Regional Wildlife Biologist will issue a Department Stumpage Permit authorizing the individual to harvest wood on the WMA. The permit will set forth the species to be cut, the amount of wood that may be cut, the price for the wood to be cut, where cutting will occur, and when cutting will start and end.

The Regional Wildlife Biologist will charge an equitable fee for the wood to be harvested, based on regional market conditions and the species to be cut. Payment may be made in cash or by services rendered in lieu of direct payment. Payment will be received before wood harvesting begins.

The stumpage permit may be revoked if any of its conditions are violated or if unnecessary damage to capital improvements, soils, water, vegetation, or habitat occurs.

#### Commercial Wood Harvesting

The commercial harvest (stumpage values exceeding \$1,200) of wood from state-owned wildlife management areas will be conducted in accord with state contracting law and procedures administered by the Bureau of Purchases.

The Regional Wildlife Biologist will issue a Department Stumpage Contract authorizing the successful commercial bidder to harvest wood on the WMA, based upon an agreement on price and evidence that the bidder is capable of satisfactorily completing the desired work and fully executing the contract. The permit will set forth the species to be cut, the amount of wood that may be cut, the price for the wood to be cut, where cutting will occur, and when cutting will start and end.

Prior to the commencement of any aspect of an operation, the operator will obtain a performance bond up to the amount of the estimated value of the stumpage, or in lieu of a bond, he may establish an escrow account in a bank of his choice.

Payment may be made in cash or by services rendered in lieu of direct payment.

Payment will be received from commercial operators before wood is removed from the WMA, or, if wood is hauled to a mill, from the buyer, providing the operator has executed an agreement with the buyer(s) guaranteeing to withhold and forward all stumpage payments directly to the Department within thirty (30) days of receipt of the wood. Mill scale will be acceptable to the Department if the scale slip states: date, name of mill, species delivered, amount of wood bought, and Department Stumpage Contract number or operator's name.

Commercial operators will accept Department scale on wood left on state land over sixty (60) days. Final adjustment will be on mill scale at the end of the contract.

The contract may be revoked if any of its conditions are violated or if unnecessary damage to capital improvements, soils, water, vegetation, or habitat occurs.

**ADMINISTRATIVE POLICY REGARDING GRAVEL SALES  
FROM WILDLIFE MANAGEMENT AREAS**

The Department occasionally receives requests to purchase gravel from Department-owned lands. Gravel mining has the potential to alter the topography of the land and, whereas sale of timber and hay is a natural by-product of the management process, i.e., the maintenance or improvement of wildlife habitat, the sale of gravel would generally require special planning and would seldom, if ever, result in a direct benefit to wildlife on the area.

Considering this, the Department policy regarding gravel mining on Department land will be:

1. Gravel deposits on Department-owned lands will be utilized, as necessary, for development and maintenance of Department facilities.
2. There will be no sale of gravel from Department-owned lands.

**ADMINISTRATIVE POLICY REGARDING HARVESTING OF  
WILD RICE FROM WILDLIFE MANAGEMENT AREAS**

The Department occasionally receives requests to harvest wild rice from Department-owned Wildlife Management Areas.

These requests have been mainly for the purpose of using the rice seed to plant in other suitable habitat for the benefit of wildlife and occasionally for human consumption.

Wild rice is an annual plant that must re-seed itself each year. As a result, intensive harvesting of rice has the potential to reduce the quantity of rice available to provide food and cover for wildlife.

Considering this, the policy regarding harvesting of wild rice on Department-owned Wildlife Management Areas will be:

1. No commercial or other harvesting of wild rice for human consumption will be permitted.
2. At the Department's discretion, permits may be issued to individuals or organizations to harvest a limited amount of wild rice in order to seed additional wetland habitat for the benefit of wildlife.

## J1.4

### **DEPARTMENT POLICY ON TRANQUILIZER GUN SAFETY AND OPERATION PROCEDURES**

1. No person will be permitted to operate a tranquilizer gun that has not successfully passed a firearms hunting safety program as outlined in Title 12 §7035.
2. No person will be permitted to operate a tranquilizer gun that has not been trained in the dangers of tranquilizer drugs to humans and in dosage requirements and effects on animals.
3. No person will be permitted to operate a tranquilizer gun that is not certified in Basic First Aid and CPR.

## **ADMINISTRATIVE POLICY REGARDING WILDLIFE IMMOBILIZATION**

### **I. Policy and Purpose**

#### **A. Statement of Policy**

The Commissioner of the Department of Inland Fisheries and Wildlife recognizes the need for the Department's staff to immobilize wildlife for a variety of research and management purposes. However, the Commissioner is also aware of the hazards associated with these activities and directs that all immobilization of wild animals be conducted in accordance with requirements set forth in this policy.

#### **B. Purpose**

The purpose of the Wildlife Immobilization Policy is to ensure that animal immobilization activities are conducted in a manner most likely to avoid accidental human injury or occupational illness, and to ensure appropriate treatment of animals.

#### **C. Scope**

This policy shall govern the procedural and operational manner by which wildlife immobilization activities are conducted by Department personnel. Any variance from these provisions shall be reviewed and approved by the Commissioner or his designee.

### **II. Immobilization Procedures**

- A.** Wildlife immobilization activities conducted by Department personnel shall be solely for research or management purposes, including wildlife damage control, and conducted under the direction of a Wildlife Biologist, Warden Lieutenant or Sergeant. See current procedure.
- B.** Department personnel shall not respond to requests for assistance in the capture or handling of domestic livestock or native or exotic species held in captivity.
- C.** All wildlife immobilization work carried out by Department personnel shall be conducted in accordance with the Wildlife Restraint Handbook distributed by the U.S. Fish and Wildlife Service, and specific Department directives.
- D.** All Immobilization initiatives undertaken by the Department shall be carried out by a minimum of one qualified individual who has been or otherwise approved by the registrant for DEA controlled substances trained by the Department in the use of immobilization techniques. In cases involving large or otherwise dangerous animals, provisions shall be made to have additional trained staff available to assist as appropriate.

- E. The senior staff member present at an immobilization activity shall be in charge of the operation, unless someone else has been specifically assigned to supervise the operation by the superior.
- F. All firearms safety rules and procedures shall be followed at all times.
- G. All immobilization equipment and supplies shall be clean and fully functional at all times and maintained in accordance with instructions provided by the manufacturer.
- H. All guns, drugs, and related immobilization equipment shall be in a secure location at all times.
- I. Each storage area shall contain a logbook of all tranquilizer equipment stored therein. Any person removing such equipment from the storage area shall log the date and time, sign for, and list all equipment removed from or placed in storage.
- J. For emergency medical purposes, information concerning the drugs being used and the treatment of accidental injection or other exposure will be carried in all tranquilizer kits, and must accompany the patient to a treatment facility in the case of an emergency. The Poison Control Hotline: (1-800-422-6305).

### III. Required Training of Tranquilizer Gun Users

All training will be coordinated by a Staff Biologist of the Wildlife Division and shall include, but may not be limited to:

- A. Maine Hunter Education Course or equivalent
- B. Loading, firing and nomenclature
- C. Cleaning, care, storage of gun and attachments
- D. Use of syringes and proper loading procedure
- E. Handling and use of immobilizing drugs
- F. Approaching and handling immobilized animals
- G. Basic Red Cross (includes CPR)
- H. Accident drug dosage procedures

**MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE  
ADMINISTRATIVE POLICY REGARDING  
HUMAN & WILDLIFE CONFLICTS**

**J1.6**





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## ADMINISTRATIVE POLICY REGARDING HUMAN & WILDLIFE CONFLICTS

### I. PROGRAM MISSION STATEMENT

*It will be the policy of the Maine Department of Inland Fisheries and Wildlife (MDIFW) to provide assistance in resolving human/wildlife conflicts following the procedures outlined in this policy. Further, any person using this policy shall strive to resolve conflicts between people and wildlife using strategies, methods, and tools which are effective, offer the best chance for a permanent or long-term solution, and conserves wildlife resources when practical and possible. The Department will encourage the use of preventive measures to reduce the occurrence of human/wildlife conflicts. When preventive measures are impractical or unsuccessful, selective removal of wildlife posing a significant threat to other wildlife, fisheries, human health, safety, or property may be necessary.*

### II. SUMMARY OF STATUTES AND RULES THAT PERTAIN TO HUMAN/WILDLIFE CONFLICTS

**Title 12 M.R.S. §10053.8. Animal Damage Control.** Establishes the function of animal damage control coordination and administration within the Bureau of Resource Management.

**Title 12 M.R.S. §10104. Rule-Making Power.** Rules are established by the commissioner through the Administrative Procedures Act to establish season dates, bag limits and other specific procedures relating to 12 M.R.S.

**Title 12 M.R.S. §10105.1. Commissioner's Powers.** Describes the commissioner's powers and responsibilities relating to the destruction of wildlife, the implementation of an animal damage control program and the employment of outside (non-Department) agents.

**Title 12 M.R.S. §12401-§12404. Animals Causing Damage or Nuisance.** Specifies and limits an individual's right to kill wild animals to protect their property, their responsibility to report to a game warden, and further specifies the commissioner's authority (through commissioner's agents) in dealing with specific animals.

**Title 22 M.R.S. §1313-§1313-A. Procedures for Suspected Rabid Animals.** Specifies under what conditions an animal control officer (ACO) can euthanize a suspected rabid animal. This also includes the follow-up procedure for testing the suspected animal.

**Title 38 M.R.S. §480-Q.21. Protection and Improvement of Waters.** Specifies when a beaver dam can be removed without a permit from the Maine Department of Environmental Protection.

**09-137 CMR 27. Chapter 27 Animal Damage Control License.** This rule chapter applies to the application, examination and certification process as well as the training, standards, and activities conducted by Animal Damage Control (ADC) Agents. Certified agents are authorized by the MDIFW to act as an agent of

the commissioner while engaging in the take or relocation of any wildlife as authorized in 12 M.R.S. §10105.

**09-137 CMR 17. Chapter 17 MDIFW Trapping Rules.** These rules apply to the trapping, take, possession, transportation and registration of furbearing animals that can be legally trapped in Maine.

[Appendix A](#) contains a compilation of the regulations that apply to this policy.

### III. ADMINISTRATIVE AND OPERATIONAL UNIT RESPONSIBILITIES

**Warden Service (WS):** Warden service will assess nuisance wildlife complaints and resolve bona fide nuisance wildlife problems using standard procedures set forth in this policy. It is the responsibility of WS staff to document all human/wildlife conflicts into Spillman database system according to internal WS policies.

**Wildlife Management Section (WMS):** Wildlife management section personnel also will assess nuisance wildlife complaints and resolve bona fide nuisance wildlife problems using standard procedures set forth in this policy. Additionally, WMS staff provide coordination of operational activities and technical assistance to WS, ADC agents, and the public. This includes technical/educational materials via the Department's website, brochures, and appendices included in this policy. It is the responsibility of WMS staff to document all human/wildlife conflicts into a central database according to internal wildlife division policies.

**Resource Assessment Section (RAS):** Resource assessment section personnel may provide educational and preventative technical assistance to complainants for personal resolutions to conflicts but will refer all other bona fide nuisance wildlife problems to the WMS or WS staff for resolution. RAS personnel will monitor the ADC database and activities as they relate to the species management goals and to the guidelines set forth in the species management systems. RAS personnel will stay current with new information and tools as it relates to human-wildlife conflicts and will provide to WMS and WS staff.

**Fisheries Division:** Fisheries division personnel will provide technical assistance to WS and WMS regarding critical fishery resources that may be affected by wildlife. There will also be a cooperative effort between Fisheries and WMS to identify potential drainages within each region that can be reasonably utilized for beaver releases.

**Human Wildlife Conflict Program Coordinator:** This position will have principal responsibility to oversee and facilitate animal damage control operations statewide by acting as a liaison between all parties to coordinate operational activities, training, and development of instructional and educational materials. This position will work with Wildlife Division administration to maintain the roster and records of the Department's certified ADC Agents.

**USDA-Wildlife Services:** The Department may enter a Memorandum of Understanding (MOU) with USDA-Wildlife Services to carry out nuisance wildlife control operations in Maine. This work will be coordinated through a regional wildlife

division office and activities will be guided by this policy. USDA-Wildlife Services employs wildlife biologists and biological technicians to carry out wildlife damage management in respective wildlife regions. See current MOU at the Augusta office for details.

**Animal Damage Control Agents (ADC):** Persons with current authorization by the Department to conduct work under the conditions outlined in this policy. ADC agents are considered “Agents of the Commissioner” and will perform ADC tasks under the direction of a Department official using standard procedures set forth in this policy.

Agents may request compensation for human/wildlife conflict work from landowners or complainants. ADC agents are **not** covered by state insurance because they are considered independent contractors.

**Animal Control Officer (ACO):** An animal control officer or person acting in that capacity that is appointed periodically by municipal officers pursuant to 7 MRSA Chapter 725. ACOs are **not** legally allowed to handle wildlife, unless they are also authorized as an ADC agent, except for suspected rabid animals per 22 M.R.S. §1313-A, or as authorized by a game warden or regional wildlife biologist.

**Rangers:** Rangers designated as ADC agents by the director of the Baxter State Park Authority (12 M.R.S. §10401) and the Allagash wilderness waterway must also abide by the procedures set forth in this policy.

**Appendix B** contains contact information for warden service, biological and administrative staff.

#### IV. **Eligibility Requirements for Authorization to become a Certified ADC Agent**

- A. Must satisfactorily complete the application to become an ADC agent.
- B. Must satisfactorily complete a written or oral examination for each classification for which they apply. A passing score on the written exam must be 80% or higher in each section of the exam. The examination will focus on the program policy and practical application of that policy. The policy will be provided to applicants and may be used while taking the test. The test may be taken any time during the year and will be administered by either the administrative staff in Augusta or at the closest regional headquarters where a biologist can proctor the exam.
  - ❖ Certification by the National Wildlife Control Training Program can substitute for taking the exam. <http://wildlifecontroltraining.com/>
  - ❖ Any person who has been certified as an ADC agent as of July 1, 2019, will be exempt from the examination requirement but must still meet any background and training requirements for recertification. Moving forward, if a person who has been certified as an ADC agent, fails to recertify within 3 years past the expiration date of their certificate, may be required to comply with **all** certification requirements including background check, training and examination.
- C. Must have a current and valid trapping license, with the exception of those only classified for bat exclusion or activities that haze wildlife with dogs.

**Note:** Individuals that only wish to conduct **only** beaver exclusion work will need a permit from a district game warden or regional wildlife biologist.

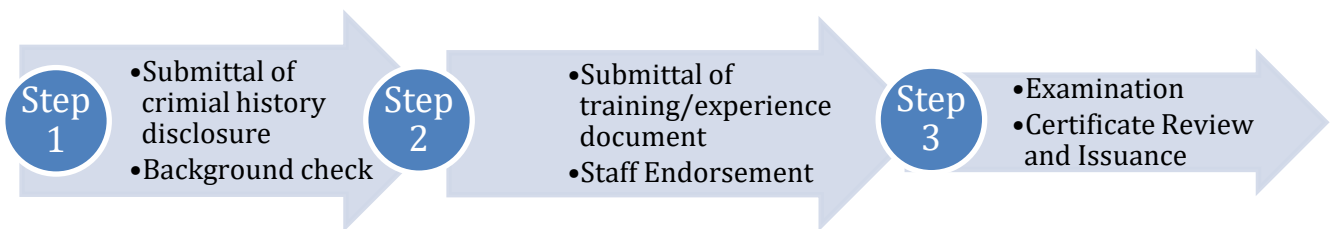
- D. Must disclose any criminal convictions and submit to a background check. Any of the following convictions **may** disqualify the applicant from certification.
  - 1. Class A, B or C convictions;
  - 2. Class D convictions within the previous 3 years;
  - 3. Title 12 Class E misdemeanor convictions within the previous 5 years;
  - 4. Title 12 Civil violations.
- E. Must review required instructional and advisory materials; including a video that demonstrates techniques for reducing incidental lynx captures and injuries.
- F. Must obtain the signed endorsements of both the district game warden assigned to the district in which they reside and a regional wildlife biologist in the region in which they reside.
- G. If the applicant also serves as an ACO for a municipality, they should include a note from those municipalities indicating acceptance that the applicant can serve both functions without conflict of interest.
- H. If approved, initial certification is valid for up to three years (beginning July 1, ending June 30, after which recertification (see conditions for re-authorization below) must be sought and approved.

**V. Conditions for Re-Authorization or Revocation**

- A. Maintain a clear criminal record, upon Departmental review any of the following **may** disqualify an ADC agent from becoming re-authorized:
  - 1. Class A, B or C convictions;
  - 2. Class D convictions within the previous 3 years;
  - 3. Title 12 Class E misdemeanor convictions within the previous 5 years;
  - 4. Title 12 Civil violations.
- B. Abide by the IFW Human-Wildlife Conflict Policy and all applicable State and Federal Laws.
- C. Must maintain a current and valid trapping license, with the exception of those only classified for bat exclusion or activities that haze wildlife with dogs.
- D. Must maintain a professional and courteous working relationship with the public and Department staff.
- E. Must submit quarterly activity reports, even if there was no activity during that quarter. (see activity reporting below)
  - ❖ **Note:** Reporting must be completed within 10 days after the end of the quarter, a failure to submit a report will result in the following actions:

1. 1<sup>st</sup> instance – Verbal warning, with documentation of the warning via an [incident report form](#) in the agents file.
  2. 2<sup>nd</sup> instance – Written warning, with verbal follow-up.
  3. 3<sup>rd</sup> instance – Reevaluation of Certification with the potential of suspension or revocation of certification.
- F. Be responsible for knowing when their period of certification expires and re-apply for certification in a timely way. If an agent fails to apply for recertification within 1-month after expiration date, they may be subject to all requirements for an initial certification, including the examination.
- G. Section 27.10 of MDIFW Chapter 27 rules (09-137 CMR 27) for Animal Damage Control outlines other situations where the Department may revoke an Agents certification and the appeal process.

## VI. STEP-DOWN APPLICATION PROCEDURE



**Step 1.** An applicant inquiring to become an ADC agent will be sent Part A of the Application packet – Criminal History Disclosure questionnaire. The applicant must complete this form in its entirety and submit to the Department. The Wildlife Administrative assistant will review the application to determine completeness. The completed documents will be sent to warden service to conduct a background check. Results of the check will be submitted to the ADC program coordinator for review. If the person’s record is acceptable, they will be contacted within 30 days and instructed to proceed to Step 2, otherwise the applicant will be notified of Department decision of denial.

If the applicant is deemed acceptable, the ADC program coordinator will notify the appropriate district game warden and regional wildlife biologist for the towns where the applicant wishes to conduct work.

- ❖ **Note:** Generally, the results of the background check will not be shared with beyond the warden investigator, ADC program coordinator, and wildlife division director. The results of the check and application form will be destroyed when the applicant has either been deemed acceptable or at the end of the time period available for appeal of denial.

**Step 2.** The applicant will be provided Part B of the Application packet – Experience and training document and the Administrative Policy regarding Human and Wildlife Conflicts (J1.6) for review. In order to complete the packet, the applicant must read and

understand the Administrative Policy, provide two (2) professional reference forms, and demonstrate that they have reviewed the required instructional and advisory materials.

- ❖ Required review materials:

Avoidance of Accidental Lynx Captures video on the Department website:

<https://www.maine.gov/ifw/hunting-trapping/trapping-laws/avoid-lynx-videos.html>.

Once the applicant has been completed, the applicant can schedule appointments to meet with the district game warden and regional wildlife biologist responsible for the towns the applicant wishes to conduct work. If an applicant wishes to conduct work in towns that overlap multiple regional boundaries (see [Appendix B](#) for regional boundaries), the applicant should consult the district game warden and regional biologist responsible for the town the applicant resides. During the meetings, the applicant and staff will discuss the Administrative Policy, individual expectations, and workflow. If the warden or biologist believe the applicant poses the skills, abilities, and appropriate mindset, they will endorse the application. Additionally, each will indicate which group of species they believe the applicant can successfully perform conflict resolution tasks.

- ❖ **Note:** If either or both the wildlife biologist or game warden are not willing to endorse the application, the applicant is still welcome to submit their completed application to the Department for final review – however, it will be much more difficult to receive certification without this endorsement.

**Step 3.** Once all the requirements from Step 2 has been satisfied, the applicant will be notified that they are ready to prepare for and schedule an appointment for the examination, otherwise they will be notified of their deficiencies in their training requirement or a denial based on other eligibility requirements.

When the applicant is ready for the examination, the applicant will schedule test taking with the Wildlife Administrative Assistant. Testing can take place at the Main Office in Augusta, or at a Departmental Regional Office, depending on availability of a regional wildlife biologist. If the applicant attains a passing score (>80%) their application packet will be sent to the ADC program coordinator for final review and approval. If an applicant does not pass the exam, they will be allowed to review training materials and can schedule a time to retake the examination, after a two-week waiting period.

### **Certification Review and Issuance.**

Once all steps in the application process have been satisfied, the applicant will be issued their certification card and letter. This letter will indicate which species and under what conditions they are authorized to conduct ADC work.

### **Appeal Process**

09-137 CMR 27, provides an appeal process for any person whose application for certification has been denied. The applicant may request an appeal hearing before the Department. The request for a hearing must be submitted to the Department, in writing within 30 days of receipt of the notice of denial. Appeal hearings will be held in accordance with the adjudicatory proceeding provisions of the Maine Administrative Procedures Act.



## VII. Permits and Reports

- A. **Depredation Permit:** This form must be issued by a warden or regional wildlife biologist to any individual who is not an ADC agent (such as a landowner) before any nuisance wildlife may be killed (except as provided by 12 M.R.S. §12401 and §12402, [Appendix A](#)). Depredation permits will be issued for individual instances only and will be valid for a specific time-period needed to resolve the issue.
- B. **Warden Service Spillman Database:** This is the standard reporting system for wardens to log all incidents to document human/wildlife conflicts.
- C. **WMS ADC Database:** Regional biological staff will document all human/wildlife conflicts into a central database. There will be a companion database that will house ADC activity reports.
- D. **ADC Activity Report:** (see [Appendix C](#) for the form) This report is the standard reporting form for ADC activity. ADC agents are required to submit the activity report **every quarter under the following reporting schedule:**
- 1<sup>st</sup> quarter January- March; reports due by April 10<sup>th</sup>;
  - 2<sup>nd</sup> quarter April-June; reports due by July 10<sup>th</sup>;
  - 3<sup>rd</sup> quarter July-September; reports due by October 10<sup>th</sup>;
  - 4<sup>th</sup> quarter October-December; reports due by January 10<sup>th</sup>.
1. Reports will be submitted by the deadline each quarter and must include information for all animals handled, no matter what step-down action was taken. The reports can be submitted either electronically (emailed to: ADCReport.IFW@MAINE.gov), or mailed by paper to: ADC Reports, MDIFW, 284 State Street, 41 SHS, Augusta, Maine 04333,
  2. All reports will be entered into an electronic database and made available to a regional wildlife biologist, district game warden, and WRAS species specialist.

## VIII. Compensation for ADC Services

Payment for services rendered by ADC agents will be negotiated between that agent and the complainant and paid for by the complainant. When the animal is taken out of an open regular season for that species, compensation will not normally include personal salvage of wildlife by the ADC agent, but may be authorized on a case-by-case basis by the district game warden or regional wildlife biologist with discretion.

## IX. General Operating Procedures

### Deployment of Agents

- Human/wildlife conflicts will be assessed by Department staff, ADC agents, or USDA-Wildlife Services to determine if there is a bona fide problem, the nature of the problem, and the appropriate solution. Consideration will be given to human health and safety, protection of domestic animals and property, Significant Wildlife Habitats, and applicable species management systems. Whenever possible, the complainant will be encouraged to resolve the problem with information and technical assistance available through the Department and provided to the complainant by Departmental staff, ADC agents, or USDA-Wildlife Services.
- ADC agents that wish to resolve issues with Home and Garden species will be listed on the Departments website to be contacted directly by the public directly. However, for any species other than Home and Garden, an agent must be deployed by a regional wildlife biologist or district game warden to resolve the issue.
- A person who violates a condition or restriction placed on an authorization granted under this policy invalidates that authorization and is subject to applicable laws and penalties.
- An ADC agent must provide their ADC certification card upon request of a landowner or Department staff.

### Possession and Humane Dispatch

- All hunting/trapping laws and rules apply unless stated otherwise or are consistent with standard practices defined in this policy. For purposes of this policy, standard practices are defined as all common and reasonable methods to exclude, deter, haze, live-trap or lethal removal of wildlife.
- The Department recognizes that agents will occasionally “possess” wildlife taken during operational activities while en-route to disposal sites.
- In situations where lethal removal is required within 1/2 mile of the compact, built-up portion of a city or village, agents **must** use live-traps to capture the offending animal, then euthanasia or humane killing will be done off-site, unless specific permission is granted by a game warden or regional biologist, or as provided in 12 M.R.S. §12253.
- Animals must be killed in a reasonable manner with the welfare of the animal in mind. This will include: immediate death or permanent loss of consciousness, be done out of sight of the public (when possible/practical), and if caught in a live-trap, the Department recommends this be done by gunshot to the head or the use of CO2 chamber. If the animal is being tested for rabies, great care must be taken in

dispatching the animal as to preserve the integrity of the brain for rabies testing. See [Appendix M](#) for guidelines for rabies submission.

- For a comprehensive description of methods, consult [Appendix N](#) – AVMA Guidelines for the Euthanasia of Animals.
- When firearms are used as the lethal method for humane dispatch, the Department recommends that agents use non-lead ammunition when possible/practical.

### **Disposal**

- Dead wildlife will be disposed of in a manner that is safe and respectful of the animal and public perception. Acceptable methods include: deposit with a properly permitted educational or research institution, burial (with landowner permission) to a sufficient depth (12-24" of soil above carcass) to prevent excavation by scavengers, incineration, or a deposit at a licensed rendering facility
- Dead wildlife can be disposed via composting, provided the composting follows the Department of Agriculture, Conservation and Forestry's 01-001 CMR 211 rules and Best Management Practices. However, if an animal dies or is euthanized as a result of a suspected neurological or highly infectious disease, the permittee must contact the MDIFW for approval prior to composting that animal.
- If lead ammunition is used for humane dispatch of wildlife, then all practical measures should be taken to dispose of the carcass in manner that prevents lead from being consumed by scavengers or contaminate the environment.

### **Ethics and Social Media**

- Permittees shall abide by the Wildlife Damage Management Code of Ethics outlined in [Appendix O](#).
- Photographs posted on Social Media must show the utmost respect for the animal or human customer. Wildlife should not be portrayed in stressful situations (i.e., hauled around in catch pole, etc.), in household settings (i.e., playing with pets, etc.).
- Agents should avoid posting complaints, criticisms, statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage, defame, or that might constitute harassment or bullying fellow rehabilitators, employees, volunteers, customers, veterinarians, Department staff, or other working relationships on Social Media. Any of this activity could be grounds for suspension or revocation of their certification.
- Formal documentation of a complaint or reported activities that are inconsistent with rules, regulations and this policy will be documented in the Incident Report Form found in [Appendix P](#).

## **General Step-Down Approach to Resolving Human-Wildlife Conflicts**

Except as otherwise provided in 12 M.R.S. §12401 and §12402 (see [Appendix A](#)), human/wildlife conflicts will be assessed and addressed in the following order of descending priority.

**Step 1. Education and Extension** - Landowners will be encouraged to take reasonable precautions to prevent human/wildlife conflicts, and when necessary, appropriate directions or information will be provided, which will enable the property owner to both alleviate the problem and to avoid it in the future.

Information or technical guidance will be provided and will include: one-on-one technical advice, handouts, pamphlets and information on the Department's website to alleviate nuisance wildlife problems and to promote the positive aspects of wildlife.

If the complainant does not take, or has not been willing to take the recommended reasonable preventive measures, they will be advised of the possible consequences which may include:

1. Withholding of further assistance by the Department;
2. Denial of permits to kill potential problem animals and;
3. Possible civil or criminal charges for actions undertaken without approval.

**Step 2. Prevention** - In most cases attractants can be removed and/or preventative measures taken to prevent the conflict from reoccurring. Where effective and economically reasonable, measures will be taken to neutralize the attraction or to exclude problem wildlife from areas or attractions to which they cause damage or pose a health or safety issue. Information on appropriate prevention techniques will be provided by Department staff, ADC Agents, and the USDA-Wildlife Services.

**Step 3. Use of Hunting and Trapping Regulations** - Many wildlife species are managed through regulation of harvests to maintain individuals and populations within a healthy range that provides appropriate public use, while minimizing conflicts. Therefore, the extent of human/wildlife conflicts will be tracked via Departmental databases and be discussed, evaluated, and considered when adjusting harvest regulations and management system goals. When appropriate/practical, removal of the offending animal(s) will be encouraged during the legal hunting or trapping season for that species.

**Step 4. Live-Capture/Relocation** - This is an appropriate method, when animals continue to cause a problem and when the above procedures are not applicable, practical, or are cost prohibitive, and removing the offending animal is justified (i.e., causing significant damage to property or pose a real safety threat).

1. While non-lethal measures must be considered first, it is important to consider the biological and social consequences of non-lethal vs. lethal removal, as well as the feasibility of translocation of animals, except as noted with specific species (12 M.R.S. §12401 and §12402, [Appendix A](#)).
2. Traps must be tended, at a minimum once every 24 hours, and should be tended more frequently depending on species, capture type, weather, capture location, etc...).
3. Relocation activities should avoid utilizing the same site for numerous releases of the same species. These situations could lead to locally high population levels that add stress, create conditions for disease transmission, and/or may increase mortality. A regional wildlife biologist should be consulted for direction of release conditions, depending on the species group.
4. In the event that an ADC trapper captures any other threatened or endangered species (i.e., lynx or New England cottontail), ADC trappers must contact a game warden or biologist through the 24-hour/7-day a week state police call center for assistance with the release and care of trapped animal (see [Appendix B](#) for call center numbers).

**Step 5. Lethal Control** – Lethal control is justified when the above procedures are not applicable, practical, or are cost prohibitive (except as otherwise provided by 12 M.R.S. §12401 and §12402, [Appendix A](#)).

1. Regional wildlife biologists or district wardens must give verbal or written permission in order for any person to kill wildlife under this policy, with the exception of Home and Garden species (see [Category I](#), page 8), or unless otherwise noted in this policy.
2. Lethal removal of wildlife causing damage will be conducted in accordance with standard procedures set forth in this policy, as well as, state laws and rules for those species (including regulations regarding specific trap types).
3. Trap tending times will not exceed 24 hours, except for specific species listed separately in this policy, or otherwise permitted by a game warden or regional wildlife biologist.

## X. **Specific Operating Procedures by Category of Offending Species Groups**

### **Category I. Home and Garden Species (H&G)**

This group of species are the primary cause for most human-wildlife conflicts. These species may be handled by the complainant or an ADC agent without a depredation permit, or permission from MDIFW or any federal jurisdiction.

Species in this category include:

**Mammals** (brown rat, eastern chipmunk, woodchuck, red squirrel, eastern gray squirrel, southern flying squirrel, northern flying squirrel, porcupine, Virginia opossum, northern raccoon, striped skunk, short-tailed weasel, long-tailed weasel,

shrews [*masked shrew, long-tailed shrew, smokey shrew, pygmy shrew, northern short-tail shrew, northern water shrew*], moles [*hairy-tailed mole, star-nosed mole*], voles [*woodland vole, southern red-backed vole, rock vole, meadow vole*], mice [*meadow jumping mouse, woodland jumping mouse, deer mouse, white-footed mouse, house mouse*], **Birds** (English sparrow, pigeon (rock doves), European starling), **Amphibians** (American toad, frogs [*gray tree frog, spring peeper, bullfrog, green frog, pickerel frog, mink frog, wood frog*]), salamanders [*spotted salamander, eastern newt, northern dusky salamander, northern two-lined salamander, four-toed salamander, northern redback salamander*], **Reptiles** (snakes [*ringneck snake, milk snake, smooth green snake, northern water snake, redbelly snake, common garter snake*]), turtles [*common snapping turtle, common musk turtle, painted turtle*].

**This is a complete list of species for this category – other species have separate procedures.**

1. **Education and Extension** – Most H&G species problems can be resolved by the landowner or complainant with technical guidance. Problems generally involve social aversions (people don't like a particular animal around), health hazards and minor garden/crop damage. Many problems can be resolved by dispelling unfounded fears or misconceptions.  
See [Appendix E](#) for strategies to provide to landowner or complainant.
2. **Prevention** – Many problems can be resolved or avoided by “wildlife proofing” buildings, property, animals, or crops with fencing, barriers, corrals, storing pet and livestock food in secure containers, securing trash, or use of repellents. These have the advantage of providing long-term relief by dissuading or preventing the next wildlife visitor from causing problems or damage.  
See [Appendix E](#) – for common preventive methods for these species.
3. **Use of Hunting and Trapping Regulations** – some species in this list have open/closed seasons. If a problem occurs within an upcoming open season, problems may be resolved by harvesting problem wildlife during an open season by a licensed hunter or trapper. MDIFW staff can be resources to identify or direct such individuals. This has the dual advantage of being free of any expense to the complainant, as well as utilizing a valuable natural resource.
4. **Live-Capture/Relocation** – Homeowners may address the problem themselves, or they may employ the services of an ADC agent. However, consideration of disease transmission (i.e., rabies, distemper) and avoidance of orphaning young should be considered before deciding to live-capture and relocate. The species in this group should be released within 10 miles of the capture location. The relocation of non-native invasive species will not be permitted (e.g., English sparrow, pigeon (rock doves), European starling).

- ❖ Note: If you are setting live-traps in Southern Maine, be aware that New England cottontail rabbit occur and are State Endangered. Cottontails are smaller than snowshoe hare, have hind feet less than 4 inches in length, and do not turn white in the winter (their coat remains brown all year). If you accidentally capture a cottontail rabbit, follow the

procedure outlined in [Category II](#), or call a regional biologist or game warden prior to removing the animal from the trap.

5. **Lethal Removal** – Sections §12401 and §12402 provide the conditions under which a landowner may take or kill nuisance wild animals ([Appendix A](#)). H&G complaints may be directly referred to ADC agents or USDA-Wildlife Services by regional dispatchers with no direct involvement of regional wildlife biologists or a district game warden.
  - ❖ **Note:** Animals must be killed in a reasonable manner with the welfare of the animal in mind. This will include: immediate death or permanent loss of consciousness, be done out of sight of the public (when possible/practical), and if caught in a live-trap, the Department recommends this be done by gunshot to the head or the use of CO2 chamber. If the animal is being tested for rabies, great care must be taken in dispatching the animal as to preserve the integrity of the head for rabies testing. See [Appendix M](#) for guidelines for rabies submission.

## Category II. Mammals, Birds, Reptiles, and Amphibians which are State or Federally Listed as Threatened or Endangered

State or federally threatened or endangered species may **not** be possessed unless appropriate state and federal permits have been acquired. In the unlikely event that a listed species is caught incidentally to bona fide ADC activities, then a biologist or game warden must be notified as soon as possible and prior to removing the animal from the trap. In the rare event that you cannot reach MDIFW personnel in time to prevent injury or death to the animal, the animal may be released by the agent, but any animal released under this provision must be reported to the Department within 24 hours from the time it was discovered. In remote areas, phones are available at North Maine Woods checkpoints, custom gates, sporting camps, and logging operations.

Species in this category include:

**Mammals** (lynx, northern bog lemming, New England cottontail], **Birds** (piping plover, roseate tern, red knot, golden eagle, sedge wren, grasshopper sparrow, short-eared owl, black-crowned night heron, upland sandpiper, peregrine falcon, Barrows goldeneye), **Reptiles** (black racer, Blanding’s turtle, spotted turtle, box turtle].

This is **not** a complete list of species for this category, for a full list of these species, see:

Federal list of Threatened and Endangered Species:

**See [Appendix D](#)**, or Visit: <http://www.fws.gov/endangered/> (select Maine in the “*Species in Your State and U.S. Territories*” search feature.

Maine List of Threatened and Endangered Species:

**See [Appendix D](#)** or Visit: <http://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/listed-species.html>

Maine list of Special Concern Species:

See [Appendix D](#) or Visit: <http://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/special-concern.html>

1. **Education and Extension** – Problems with most species in this category are rare and can be resolved by the landowner or complainant with technical guidance. Problems generally involve social aversions (people don't like a particular animal around), health hazards and minor garden/crop damage. Many problems can be resolved by dispelling unfounded fears or misconceptions.

See [Appendix E](#) for strategies to provide to landowner or complainant.

2. **Prevention** – Problems with this group of species will be rare but many can be resolved or avoided by “wildlife proofing” buildings, property, animals, or crops with fencing, barriers, corrals, improving sanitation, or use of repellents. These have the advantage of providing long-term relief by dissuading or preventing the next wildlife visitor from causing problems or damage.

See [Appendix E](#) for common prevention strategies, or [Appendix I](#) for fencing options to prevent conflicts with Lynx.

3. **Use of Hunting and Trapping Regulations** – Not Applicable
4. **Live-Capture/Relocation** – Not allowed without appropriate state or federal permits to capture, possess, handle, or transport these species.
5. **Lethal Removal** – It is not legal to harass, injure, or kill any of these species. If step 1 or 2 doesn't resolve the issue, then contact a regional wildlife biologist or USDA-Wildlife Services to discuss additional potential measures.

### Category III. Bats

Maine has 8 species of bats. The northern long-eared bat is listed Federally Threatened and State Endangered, the little brown bat is listed as State Endangered, and the eastern small-footed bat is listed as State Threatened. The other 5 species remain Species of Special Concern, as such any work involving bats **must attempt to identify** species of bat and be reported on quarterly activity reports. **Special rules** have been established for these species. Unless your certification clearly indicates that you are approved for exclusion work with bats, you must first consult a regional wildlife biologist.

1. **Education and Extension** – Some bat nuisance issues can be resolved by the landowner or complainant by taking simple actions with technical assistance provided by MDIFW Staff. Excluding bats from a building can be done by the complainant but can be technically difficult and pose potential health hazards if done incorrectly.

See [Appendix F](#) for common strategies to provide to landowner or complainant.



2. **Prevention** – Many problems can be resolved or avoided by “wildlife proofing” buildings. Sealing cracks and holes, at the peak of the roof, or eaves, as small as 1/8 of an inch will exclude bats from entering the house. This should be done after confirming that no bats remain in the building. Bats may overwinter in attics, or other crawlspaces, so care should be taken to avoid trapping bats while sealing potential entry points when bats are hibernating during the late fall, winter, or early spring. Avoid excluding bats until night time temperatures are above 40°F. Installing a “bat house” nearby the complainants’ home can provide an alternative roost site for bats that are excluded from the home. See Bat Conservation International guidelines to build or purchase your own bat house: (<http://www.batcon.org/>).

See [Appendix F](#) for prevention methods for bats.

3. **Use of Hunting and Trapping Regulations** – Not Applicable

4. **Live-Capture/Relocation** – When animals cause a problem and must be removed (except as provided in 12 M.R.S. §12401 and §12402, [Appendix A](#)), non-lethal measures must be considered first.

Individual bats may be removed from a living space at any time of the year. Leaving a window open and closing all doors in the room overnight will allow bats to fly out, be sure to confirm that the bats have exited the building.

However, bats cannot survive if excluded from a building during winter. If bats must be excluded or removed in the winter, coordinate with a regional biologist and permitted wildlife rehabilitator who can safely overwinter bats until warmer temperatures when the bats can be released.

Using traps on the exterior of building to capture bats exiting a structure are prohibited unless use is granted by a regional wildlife biologist.

5. **Lethal Removal** – Individual bats may be lethally removed if in a living space. Additionally, bats may be lethally removed if human or pet exposure is suspected. When dispatching bats, the integrity of the head must be preserved to test for rabies (see [Appendix M](#)).

#### Category IV. Beaver

Beaver can provide high quality habitat that benefits many wildlife species. By modifying the drainage to control an acceptable water level, beaver may continue to occupy an area. Utilizing fencing, culvert modifications, and/or installation of pipes can provide adequate flows through the dam to manage water levels while continuing to provide significant wildlife habitat values, and critical fisheries resources.

Department staff, ADC agents and USDA-Wildlife Services will advise landowners that neither lethal removal nor relocation of beaver resolve **chronic** beaver problems, or sites having preferred forage present, if site modifications are not also

undertaken (when possible), and landowners should consider short-term cost vs. long-term costs from repeated future actions.

1. **Education and Extension** – Problems generally involve social aversions (people don't like a beaver around), health hazards and minor tree/ornamental damage. Some problems are minor and can be resolved by dispelling unfounded fears or misconceptions.

See [Appendix G](#) for common strategies to provide to landowner or complainant.

2. **Prevention** – Most problems with beaver are related to water-flow issues or tree and shrub damage. In many cases, if an adequate flow of water can be maintained, beaver do not pose a problem. Alternatively, individual trees and shrubs can be protected to prevent damage.

See [Appendix G](#) for common tree/shrub protection methods and designs of exclusion or water leveling devices. Departmental staff, USDA-Wildlife Service agents, or ADC agents can provide technical advice on design and installation of exclusion and water leveling devices.

- a. In rare circumstances, regional wildlife biologists may (at the expense of regional budgets) deploy ADC agents or USDA-Wildlife Services agents for site modifications as needed for the management of Significant Inland Waterfowl and Wading Bird Habitats.
- b. Beaver flooded woodlands or other timberland may be drained by the removal of a dam after consultation with the regional wildlife biologist or district game warden. Approval will be given when timber is at imminent risk of loss, after waterfowl young-of-the-year have fledged (July 15<sup>th</sup>), when the flowage is less than two years old, and the removal of dam does not unnecessarily de-water the flowage just prior to freeze-up.

❖ **Modification or removal of beaver dams** as authorized by a regional wildlife biologist or game warden, provided: (Natural Resources Protection Act, 38 M.R.S. §480-Q.21):

- i. Efforts are made to minimize erosion of soil and fill material from disturbed areas into a protected natural resource;
- ii. Efforts are made to minimize alteration of undisturbed portions of a wetland or water body; and
- iii. Wheeled or tracked equipment is operated in the water only for the purpose of crossing a water body to facilitate removal of the beaver dam. Where practicable, wheeled or tracked equipment may cross a water body only on a rock, gravel or ledge bottom. This exemption includes the draining of a freshwater wetland resulting from removal of a beaver dam. It does not include removal of a beaver house.

3. **Use of Trapping Regulations** – If a problem occurs within or near an upcoming open trapping season, problems should be resolved by harvesting problem wildlife, during an open season, by a licensed trapper. MDIFW staff can be a resource to identify or direct trappers to problem areas. This has the dual

advantage of being free of any expense to the complainant as well as utilizing a valuable natural resource.

Regional wildlife biologists will maintain a list of chronic beaver complaint sites to distribute to trappers through the Maine Trapper's Association. These lists will also be available to licensed trappers upon request from the regional wildlife biologist.

Additionally, complaints are tracked via Departmental databases, chronic problems or chronic areas may be addressed by adjustments to harvest regulations and management system goals.

- 4. Live-Capture/Relocation** – ADC agents or USDA-Wildlife Services must obtain specific permission from a regional wildlife biologist or a district game warden to capture and relocate beaver. To make this determination, Department staff will consider existing beaver densities, timing, relocation distances and other significant resource impacts, including impacts or benefits to waterfowl habitat, and critical fisheries resources.

Relocation of beaver prior to July 15<sup>th</sup> may be lethal for young-of-the-year and should be avoided until after that date. Relocation of beaver just prior to ice-up also is considered lethal and should be avoided.

Except in emergency situations, no nuisance beaver will be removed after October 1<sup>st</sup>. A record of locations where beaver have been removed within 30 days of the opening of the beaver-trapping season will be maintained at the appropriate regional office. (This provision is intended to maintain a greater level of beaver trapping opportunity.)

ADC Agents should contact the regional wildlife biologist for those landowners who have requested having beaver relocated to their property.

- 5. Lethal Removal** – ADC agents or USDA-Wildlife Services must obtain specific permission from a warden or regional wildlife biologist for lethal removal of beaver. Lethal removal of beaver should be justified by site conditions, existing beaver densities and other significant resource impacts, including impacts to waterfowl habitat, and critical fisheries resources.

Unlike other wildlife, Title 12 M.R.S. §12404 prohibits an individual (A landowner, forester, etc...) from taking or killing beaver that are causing damage. However, there is an option for a depredation permit, for complainants that do not wish to employ an ADC agent or USDA-Wildlife Services.

See [Appendix J](#) for depredation permit framework.

## **Category V. Black Bears**

Each year some communities routinely experience conflicts with black bears. However, despite having a very large black bear population, human conflict with bears remain low. As the bear population continues to grow and expand into the highly-populated southern and coastal areas of the state, conflict rates could increase. Many Maine residents are unaccustomed to living near black bears and are

not aware of the precautionary actions necessary to prevent conflicts. A variety of measures (e.g., outreach, removal of attractant, directed harvest, etc.) may be necessary to address current and future problem areas.

1. **Education and Extension** – Most conflicts between bears and people can be resolved by removing or securing food or food odor attractants, such as: birdseed, BBQ grills, garbage, pet/livestock feed, crops, compost, and beehives. These issues can be resolved by the landowner or complainant with technical guidance. Other problems include social aversions (people don't like bears around their home) and can often be resolved by dispelling unfounded fears or misconceptions.  
See [Appendix H](#) for common strategies to provide to landowner or complainant.

❖ **Note:** if the property owner does not take steps to remove or secure the attractant that has been identified as the source of the conflict, the Department will not shoot or move the bear, unless the bear poses an immediate human safety threat (see **Section 5 below**).

2. **Prevention** - The Department considers it to be the responsibility of the property owner to take preventative measures to protect their property from black bears. The Department will provide the property owner with information on what attracts bears to their property and on the steps that need to be taken to remove or secure the attractant. When attractants cannot be removed (as stated above), such as dumpster or beehives, fencing (electrified if possible) is often an effective method for securing attractants.

See [Appendix H](#) for common prevention strategies for bears.

See [Appendix I](#) for fencing diagrams and information.

3. **Use of Hunting and Trapping Regulations:** If a conflict occurs within or near an upcoming open bear hunting or trapping season, MDIFW staff can identify or direct hunters to these areas to provide a free service to the complainant and utilize a valuable natural resource.

The extent of complaints will be tracked via Departmental databases so that chronic problems or chronic areas may be addressed by adjustments to harvest regulations and management system goals.

4. **Live-Capture/Relocation:** When bears continue to cause a problem or when the above procedures are not applicable or hasn't resolved the conflict, removal of offending animals may be justified. The landowner or complainant, in consultation with the Department, can hire an ADC agent or USDA-Wildlife Services to trap black bears causing conflicts. The Department may also move a bear when conflicts are severe or chronic. In either situation, the property owner will be advised to remove or secure the attractant to prevent future conflicts and, if the property owner fails to remove or secure the attractant, the Department may not approve moving additional bears attracted to the property, unless the bear poses an immediate threat to

human safety. Sometimes, aversive conditioning (i.e., using hounds to harass a bear) can be used in combination with live capture.

See [Appendix H](#) for more information on aversive conditioning options and tools.

- ❖ **Note:** Often, the public perceives that capturing and moving black bears will resolve the conflict immediately and humanely. However, this option is costly, requires moving bears long distances, and does not always resolve the conflict or ensure that the bear is not killed. When a bear is moved to a new area, it may cause conflicts there, but more often it will attempt to travel back to the problem area and may encounter roads or other food attractants on its way. Often the best action is to remove or secure the attractant. However, moving black bears can be an effective short-term solution to immediately resolve a problem where extensive damage is occurring and allow long-term solutions (securing/removing attractant) to be established.

Additional considerations for live-trapping and relocation of bears:

- Only cable traps (foothold cable restraint) and culvert traps are permitted (foothold traps are **not** permitted);
- Moving a female bear with cubs should be avoided. If moving a female bear with a cub is necessary, every effort will be made to capture and move them together. If the cubs are captured after the female has been released, the cubs will be taken to a licensed wildlife rehabilitator;
- The release site will be identified by regional biological staff and should be at least **75 miles** from the problem site at a location that meets species management objectives and reduces the chance for further problems at the release site, and;
- When possible, Department staff or USDA-Wildlife Services staff who are trained and permitted (DEA) to administer scheduled drugs, will anesthetize the bear, mark it with uniquely numbered white ear tags, and if feasible, mark it with a lip tattoo prior to release.

5. **Lethal Removal-** Lethal removal will be considered when a bear's presence poses a real and immediate human safety threat as determined by the Department, other law enforcement officers, or when other options (e.g., relocation or aversive conditioning) are no longer feasible because the bear(s) may have become dependent on food associated with people (i.e., food conditioned) and/or have lost their fear of people (i.e., habituated bear).

Title 12 M.R.S. §12401, §12402, and §12404 ([Appendix A](#)), provides the conditions under which a bear may be killed by a landowner or ADC agent.

Otherwise, ADC agents and USDA-Wildlife Services **must** obtain specific permission from a warden or regional wildlife biologist to lethally remove a black bear.

In certain chronic situations, Department staff may make the determination to kill a bear or give permission for USDA-Wildlife Services, or law enforcement personnel to kill a bear where the habituation of an individual bear has a greater likelihood of causing a public safety threat.

❖ **Note:** A bear is considered to pose an immediate threat to human safety when the bear:

- Is confined to or incapable of leaving an area (e.g., contained in a fence) where human or vehicular traffic is high;
- Displays unprovoked, abnormal, or aggressive behavior: an aggressive bear is a bear that does not yield to humans (i.e., does not run away from loud noises or other hazing attempts when provided an escape route).  
Note: A female bear protecting young may be aggressive and is considered provoked because of the presence of the cubs and therefore likely does not warrant a lethal response.
- Enters an occupied building;
- Has caused human injury or death; or
- Is attacking a person, pet, or livestock.

See [Appendix I](#) for depredation permit framework.

## Category VI. Deer and Moose

Deer and moose are part of the Maine landscape and complainants should be encouraged to accept and plan for conflict avoidance in any agricultural or forestry endeavor. When deer and moose become locally abundant, browsing of garden crops, orchards and ornamentals may cause substantial losses.

1. **Education and Extension** – Occasionally, problems associated with deer or moose involve social aversions or minor issues (i.e., accidental fence damage, minor crop damage, ornamental plant damage). Alleviating concerns and providing technical assistance for the landowner or complainant to address these types of issues will resolve most complaints of this nature.

See [Appendix E](#) for common strategies to provide to landowner or complainant.

2. **Prevention** – Many problems can be resolved or avoided by “wildlife proofing” property or crops with fencing, barriers, corrals, improving sanitation, or use of repellents. These have the advantage of providing long-term relief by dissuading or preventing the next wildlife visitor from causing problems or damage.

See [Appendix E](#) for common prevention strategies.

See [Appendix I](#) for electric fencing diagrams and information.

See [Appendix A](#) -- 12 M.R.S. §12404-5 for situations where the Department provides repellents for damage to crops or orchards, and when the Department will provide ½ the cost for fencing at young orchards.

3. **Use of Hunting Regulations** – If a problem occurs within or near an upcoming open season, problems may be resolved by harvesting wildlife causing damage during an open season by a licensed hunter. MDIFW staff can be a resource to identify or direct hunters to problem areas. This has the dual advantage of being free of any expense to the complainant as well as utilizing a valuable natural resource.

The extent of complaints will be tracked via Departmental databases, chronic problems or chronic areas may be addressed by adjustments to harvest regulations and management system goals.

4. **Live-Capture/Relocation** – Live trapping and relocation of moose or deer is usually not an effective means of resolving depredation problems. Refer to prevention and extension.
  - ❖ However, if a deer or moose needs to be removed for a public safety concern, live-capture and relocation will be conducted or authorized by Departmental staff.

**Lethal removal** – 12 M.R.S. §12401 and §12402, [Appendix A](#), provide the conditions under which a landowner may take or kill wild animals. If the landowner wishes to employ an individual other than family member or employee to lethally remove deer or moose, they can seek a depredation permit from a regional wildlife biologist or game warden.

See [Appendix I](#) for depredation permit framework.

Otherwise the landowner can be referred to an ADC agent or USDA-Wildlife Services or for lethal control at the landowner's expense. ADC agents and USDA-Wildlife Services must obtain specific permission from a game warden or regional wildlife biologist to lethally remove a deer or moose.

If a nuisance deer or moose is deemed to pose an **imminent public health or safety threat**, then Department staff, a deployed ADC agent or a deployed USDA-Wildlife Services agent will resolve the problem via lethal removal at regional expense.

- ❖ **Note:** 12 M.R.S. §10401 describes enforcement officials with full powers of game wardens which allows them to dispatch moose that frequent high traffic highways (Turnpike, I-95, etc.) deemed to pose a safety hazard and are considered an imminent safety hazard.

## Category VII. Wild Turkey

Turkeys are an important wildlife resource and big-game species managed for hunting and viewing. Landowner conflicts have been most prevalent among dairy farms and orchards. These conflicts include turkeys feeding and defecating on exposed bunker-stored corn silage, and to a lesser extent, direct crop damage.

1. **Education and Extension** – Wild turkeys, which are highly visible due to their large size and diurnal behavior, are often blamed for damage actually caused by raccoons, rodents, deer, or crows. It is important that crop depredation be verified before measures to control turkeys are implemented. Move to appendix

See [Appendix E](#) for common strategies to provide to landowner or complainant.

2. **Prevention** – Presence of wild turkeys should not be tolerated at sites where they pose a problem and early deterrence is most effective. Many problems can be resolved or avoided by “wildlife proofing” buildings, property, animals, or crops with fencing, barriers, corrals, improving sanitation, or use of repellents. These have the advantage of providing long-term relief by dissuading or preventing the next wildlife visitor from causing problems or damage. For problems where physical barriers are not practical or have been tried and been unsuccessful, hazing can be an effective strategy when used early and often.

See [Appendix E](#) – for common preventive methods and hazing techniques for Turkeys.

3. **Use of Hunting Regulations** – If a problem occurs within or near an upcoming season for wild turkey, problems may be resolved by harvesting problem wild turkey during an open season, by licensed hunters.

MDIFW staff can be a resource to identify or direct such persons. This has the dual advantage of being free of any expense to the complainant as well as utilizing a valuable natural resource via hunting.

- Spring hunting (toms only) may not appreciably reduce turkey populations or solve nuisance turkey problems.
- Turkey mortality resulting from fall hunting where hens are taken has the potential to reduce turkey populations on a larger scale (e.g., Wildlife Management District) -- if management goals dictate a population reduction. However, a reduced wild turkey population would not necessarily reduce or eliminate turkey nuisance concerns, as they tend to be localized in nature.
- The extent of complaints will be tracked via Departmental databases; chronic problems or chronic areas may be addressed by adjustments to harvest regulations and management system goals.



4. **Live-Capture/Relocation** – This method has limited application as a widespread solution and will be used only if it helps the Department meet population or management objectives. Live-trapping and transfer will only be conducted by Departmental staff.
5. **Lethal Removal** – Limited use of lethal removal of wild turkeys may be very effective in discouraging turkey flocks from returning to silos or barns especially in conjunction with the persistent use of hazing and deterrents.

Title 12 M.R.S §12401 and §12402 ([Appendix A](#)), provides the conditions under which a landowner may take or kill wild animals. If the landowner wishes to employ an individual other than family member or employee to lethally remove turkeys, they can seek a depredation permit from a regional wildlife biologist or game warden. See [Appendix I](#) for depredation permit framework.

Otherwise the landowner can be referred to an ADC agent or USDA-Wildlife Services or for lethal control at the landowner's expense. ADC agents and USDA-Wildlife Services must obtain specific permission from a game warden or regional wildlife biologist to lethally remove a wild turkey.

If a nuisance wild turkey is deemed to pose an imminent public health or safety threat, then Department staff, an ADC agent or an USDA-Wildlife Services agent will resolve the problem via lethal control at the Department's expense.

## **Category VIII. Ducks and Geese**

1. **Education and Extension** – Through contacts with individuals, lake associations and municipalities, work to eliminate or discourage feeding of waterfowl. This can be done with pamphlets, signs, posters, timely newspaper articles and ordinances. Eliminate human-provided food sources. Grass and clovers are a strong attraction for geese and complainants should reduce or eliminate the amount of "lawn" near the shoreline by minimizing or eliminating mowing and fertilizing.

See [Appendix E](#) for strategies to provide to landowner or complainant.

2. **Prevention** – Habitat modification may be effective with geese because they primarily graze on grasses and forbs. Visitation to a site can often be reduced if the food attraction can be removed or blocked by a physical or visual barrier. In cases where this is not a viable option, hazing can be an effective strategy when used early and often.

See [Appendix E](#) for common prevention strategies.

3. **Use of Hunting Regulations** – If a problem occurs within or near an upcoming open season, problems may be resolved by harvesting problem wildlife during an open season by a licensed hunter. MDIFW staff can be resources to identify or direct such persons. This has the dual advantage of being free of any expense to the complainant as well as utilizing a valuable natural resource.

Some problems may also be addressed through changes in season lengths, or bag limits. The degree of nuisance waterfowl problems will be considered in developing annual recommendations to the Commissioner for harvest regulations (e.g., potentially repealing laws that closed nearby water bodies to waterfowl hunting or to liberalize the September goose season).

4. **Live-Capture/Relocation** – This has varying effectiveness for geese. Damage relative to geese and other migratory birds **will** be directed to USDA-Wildlife Services.

**Lethal Removal** – Resident Canada geese at agricultural facilities may be taken under USFWS Depredation Order (50 CFR §21.43, [Appendix K](#)), however, consultation with a regional wildlife biologist and the game bird biologist within RAS (207-941-4474) is required for application of this order. The game bird biologist and regional wildlife biologists may grant a permit for lethal removal if necessary. See [Appendix I](#) for depredation permit framework.

All other damages relative to waterfowl birds will be directed to USDA-Wildlife Services.

**Category IX. Migratory Birds that are *not* State or Federally Listed Threatened or Endangered, or Species of Special Concern:**

Most birds including, song birds, water birds, cormorants, woodpeckers, eagles, vultures, raptors, and owls are under federal jurisdiction (Migratory Bird Treaty Act, the “Act”). There is a separate category for Ducks and Geese ([Category VIII](#)).

**Prohibited actions under the Act:** Unless permitted by regulations, the Act provides that it is unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. Subject to limitations in the Act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns. Regulations are effective upon Presidential approval.

The Act makes it unlawful to: ship, transport or carry from one state, territory or district to another, or through a foreign country, any bird, part, nest or egg that was captured, killed, taken, shipped, transported or carried contrary to the laws from where it was obtained; import from Canada any bird, part, nest or egg obtained contrary to the laws of the province from which it was obtained.

Two different federal agencies are involved:

USDA-Wildlife Services is responsible for assisting landowner and municipalities will damage relative to migratory birds. Direct contact with USDA-Wildlife Services can be reached at: 79 Leighton Road, Suite 12, Augusta, ME. 04330, phone (207) 629-5181. Any damage complaint involving migratory birds **will** be directed to USDA-Wildlife Services.

The USFWS is responsible for federal laws regarding wildlife, including their trade, protection, endangered species status and law enforcement. Direct contact with USFWS is through: Division of Law Enforcement, Craig Brook Hatchery, 306 Hatchery Road, E. Orland, ME 04431; phone (207) 469-6701x211

1. **Education and Extension** – Most problems with species in this category can be resolved by the landowner or complainant with technical guidance. Problems generally involve social aversions (people don't like a particular animal around), health hazards and minor garden/crop damage. Many problems can be resolved by dispelling unfounded fears or misconceptions.

See [Appendix E](#) for strategies to provide to landowner or complainant.

2. **Prevention** – Problems with this group of species will be rare but many can be resolved or avoided by “wildlife proofing” buildings, property, animals, or crops with fencing, barriers, corrals, improving sanitation, or use of repellents. These have the advantage of providing long-term relief by dissuading or preventing the next wildlife visitor from causing problems or damage.

See [Appendix E](#) for common prevention strategies.

3. **Use of Hunting Regulations** – Not Applicable, these seasons are set by the USFWS. The only species in this category that have an open hunting season are crow, woodcock, common snipe, sora, Virginia rail, and gallinule.
4. **Live-Capture/Relocation** – Live-trapping is not allowed for these species without appropriate state or federal permits to capture, possess, handle, or transport these species. However, no permit is required to harass or haze migratory birds, with the exception of bald and golden eagles or threatened and endangered species.

See [Appendix E](#) for common hazing techniques.

5. **Lethal Removal** – It is not legal to injure or kill species in this category without an appropriate permit, however:

Gulls, woodpeckers, and many other birds may cause agricultural, safety and health problems. Consult USDA-Wildlife Services for permitting lethal removal for any of these species. This will also require consultation and approval from the WMS supervisor.

Blackbirds and crows may be taken under specific circumstances according to USFWS Depredation Order (50 CFR §21.43, [Appendix K](#)), but consultation with a regional wildlife biologist and the game bird biologist within RAS (207-941-4474) is required for application of this order.

When questions arise pertaining to migratory birds that are not contained in this policy, they should be referred to the USDA-Wildlife Services and/or the WMS supervisor.

All permits involving federally protected species are issued by USFWS (except under the USFWS depredation order for resident Canada geese at agricultural facilities). In order to obtain the USFWS depredation permit, an applicant must first obtain a USDA-Wildlife Services Form 37 (Migratory Bird Damage Project Report). It is only with this recommendation form that a permit can be obtained from the USFWS Migratory Bird Permit Office in Hadley, MA.

#### **Category X. Mammals, Non-Migratory Birds, Reptiles, and Amphibians that are *not* Contained in Another Section**

Species in this category include:

**MAMMALS** (snowshoe hare, muskrat, southern bog lemming, gray fox, coyote, red fox, American marten, mink, fisher, river otter, bobcat); **BIRDS** (ruffed grouse, spruce grouse, mute swan).

1. **Education and Extension** - Problems with most species in this category are rare and can be resolved by the landowner or complainant with technical guidance. Problems generally involve social aversions (people don't like a particular animal around), health hazards and minor garden/crop/livestock damage. Many problems can be resolved by dispelling unfounded fears or misconceptions.

See [Appendix E](#) for strategies to provide to landowner or complainant.

2. **Prevention** - Problems with this group of species will be rare but many can be resolved or avoided by "wildlife proofing" buildings, property, animals, or crops with fencing, barriers, corrals, improving sanitation, or use of repellents. These have the advantage of providing long-term relief by dissuading or preventing the next wildlife visitor from causing problems or damage.

See [Appendix E](#) for common prevention strategies.

3. **Use of Hunting and Trapping Regulations** – Some species in this list have open/closed seasons. – If a problem occurs within or near an upcoming open season, problems may be resolved by harvesting problem wildlife during an open season by a licensed hunter or trapper. MDIFW staff can be resources to identify or direct such individuals. This has the dual advantage of being free of any expense to the complainant as well as utilizing a valuable natural resource.
4. **Live-Capture/Relocation** – When animals continue to cause a problem or when the above procedures are not applicable, practical, or are cost prohibitive, then removal of the offending animal is justified (i.e., causing significant damage to property or pose a real safety threat). A regional wildlife biologist or district game warden must be consulted for approval and direction.
5. **Lethal Removal** – 12 M.R.S. §12401 and §12402, [Appendix A](#), provide the conditions under which a wild mammal or turkey may be killed. For species contained within this group a regional wildlife biologist or district game warden **must** be consulted for approval and direction before lethal removal can occur.

#### **Category XI. Diseased, Injured, and Orphaned Wildlife**

All reports of animals that are sick, injured or orphaned wildlife will be responded to by Department staff, ADC agent, or USDA-Wildlife Services. There is value to not only ensure humane treatment of the distressed animal, but to also document any potential disease outbreaks.

While singular incidents of sick or injured wildlife usually does not warrant extra documentation by the Department, there may be unusual instances that may indicate disease outbreaks or an environmental hazards that should be brought to the attention of a regional wildlife biologists who will then make contact with appropriate agency contacts (examples of an unusual occurrence may include: multiple individuals of a similar species over time, multiple species in a single time period, or diseases of particular Departmental interest).

- ❖ See [Appendix L](#), for reference to the Department’s Wildlife Health Surveillance protocol. The WMS Supervisor, RAS Supervisor and the Wildlife Division Director, will use this protocol to determine if the Department should consult National Wildlife Disease Laboratory, Maine Center for Disease Control, or Northeast Wildlife Disease Cooperative coordinating veterinarian.

There are a few situations that will always require a special response.

1. Any moose, deer, or escaped domestic cervid displaying symptoms of Chronic Wasting Disease (CWD) or a neurologic disorder will be reported as soon as possible to a regional wildlife biologist or district game warden to investigate.
2. **Rabies** is one of the most virulent forms of wildlife diseases in Maine. Rabies may be contracted by any mammal but is especially prevalent in raccoons, fox, skunks, coyotes, woodchucks, and bats. The Public Health Laboratory of the Maine Center for Disease Control is responsible for testing and monitoring the occurrence of rabies contacts with humans and pets in Maine. Regional offices have procedures to transport and ship specimens for testing ([Appendix M](#)).

The rules governing rabies management may be found in [Appendix A](#).

Municipal ACOs and game wardens shall respond to reports of human or domestic animal exposure to animals suspected of having rabies in accordance with 22 M.R.S. §1313.

If human or domesticated animal exposure has occurred, the undomesticated animal should be shot or otherwise humanely euthanized by a law enforcement officer, game warden, ADC agent, ACO, or regional biologist. The animal must not be shot in the head, nor must the head be destroyed or disposed of but, instead, must be submitted for testing.

- a. Handle with plastic or rubber gloves.
- b. Place body in a double plastic bag.
- c. Refrigerated or cooled (NOT FROZEN) by packing in ice.
- d. Delivered to the Public Health Laboratory, 221 State Street, Augusta, ME. 04333. Telephone **1-800-821-5821**.

See [Appendix M](#), for a rabies submission form.

3. Injured or orphaned wildlife may be taken to a licensed wildlife rehabilitator by citizens after contacting a warden or wildlife biologist. A list of currently licensed rehabilitators will be maintained on the Department's website. For moose, deer, or bear, Department personnel will be consulted for an assessment or possible technical assistance, and to authorize the best course of action.

## **Appendix A. Laws Pertaining to Animal Damage Control Program**

The below titles are hyperlinked for your reference.

### **Maine Revised Statutes Title 12: CONSERVATION**

#### **Chapter 903: DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

##### **[§10053. BUREAU OF RESOURCE MANAGEMENT](#)**

##### **[§10104. RULE-MAKING POWER](#)**

##### **[§10105. OTHER POWERS](#)**

#### **Chapter 921: WILDLIFE CAUSING DAMAGE OR NUISANCE**

##### **[§12401. ATTACKING DOMESTIC ANIMALS OR DESTROYING PROPERTY](#)**

##### **[§12402. DAMAGE TO CROPS OR ORCHARDS](#)**

##### **[§12403. DAMAGE TO MOTOR VEHICLES BY WILD ANIMALS OR WILD BIRDS](#)**

##### **[§12404. SPECIFIC ANIMALS](#)**

### **Maine Revised Statutes Title 22: HEALTH AND WELFARE**

#### **Chapter 251: COMMUNICABLE DISEASES**

##### **[§1313. PROCEDURES FOR THE TRANSPORTATION, QUARANTINE, EUTHANASIA AND TESTING OF ANIMALS SUSPECTED OF HAVING RABIES](#)**

##### **[§1313-A. PROVISIONS FOR IMMEDIATE DESTRUCTION OF CERTAIN ANIMALS](#)**

### **Maine Revised Statutes Title 38: WATERS AND NAVIGATION**

#### **Chapter 3: PROTECTION AND IMPROVEMENT OF WATERS**

##### **[§480-Q. ACTIVITIES FOR WHICH A PERMIT IS NOT REQUIRED](#)**

### **Rule Chapters for the Department of Inland Fisheries and Wildlife**

##### **[09-137 Chapter 17: TRAPPING](#)**

**09-137 DEPARTMENT OF INLAND FISHERIES & WILDLIFE**  
**Chapter 27: ANIMAL DAMAGE CONTROL AGENT CERTIFICATE**

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**27.01 SCOPE**

This rule chapter applies to the application, examination and certification process as well as the training, operating standards, and activities conducted by Animal Damage Control Agents [ADC]. Certified agents are authorized by the Department of Inland Fisheries & Wildlife to act as an agent of the Commissioner while engaging in the take or relocation of any wildlife as authorized in 12 M.R.S. §10105 subsection 1.

**27.02 TABLE OF CONTENTS**

- 27.03 Definitions
- 27.04 Classifications of ADC Certifications
- 27.05 Eligibility
- 27.06 Application
- 27.07 Examination
- 27.08 Operating Standards
- 27.09 Term of Certification
- 27.10 Denial, Suspension or Revocation of Certificate

**27.03 DEFINITIONS**

1. **Animal Damage Control:** Authorized taking or relocation of wildlife to mitigate human-wildlife conflict.
2. **Animal Damage Control Agent:** A person certified by the Department who acts as an agent of the Commissioner and works to mitigate human – wildlife conflict and is authorized under 12 M.R.S. §10105 to take or relocate wildlife as necessary when responding to complaints of animal damage.

**27.04 CLASSIFICATIONS OF ADC CERTIFICATIONS**

ADC Agents may be certified under one or more of the following classifications:

1. **Class 1** (Home and Garden): a person who has met the qualifications to perform ADC work to mitigate nuisance wildlife issues related to home and garden species listed within the department policy;
2. **Class 2** (All Other): A person who has met the qualifications to perform ADC work to mitigate issues related to all other species that are not contained in another certification;
3. **Bats:** a person who has met the qualifications to perform ADC work to mitigate human-bat conflicts; and
4. **Hazing with dogs:** a person who has met the qualifications to perform ADC work to mitigate issues related to nuisance wildlife whose behavior can be modified by the use of dogs.



## 27.05 ELIGIBILITY

1. An applicant must meet the following eligibility requirements to become certified as an ADC agent

in one or more classifications:

A. Completion of the application including but not limited to a description of any relevant experience applicable to the classifications the person wishes to become certified in;

B. The application must be signed stating that the applicant has completed review of all required

training and policy materials prior to submission of the application;

C. Must pass the written examination; (see section 27.07)

D. Has a current and valid trapping license with the exception of those only classified for bat exclusion or hazing with dogs;

E. Disclose any criminal convictions and civil violations, and submit to a background check. Any of the following convictions or adjudications may disqualify the applicant from certification upon review by the department.

(1) Class A, B, C or D convictions within the previous 3 years (except the disqualification

period for convictions may be longer where provided for by law);

(2) Any conviction or adjudication for a violation of any provision of 12 M.R.S. Part 13 within the previous 5 years.

## 27.06 APPLICATION

1. The application shall include:

A. A requirement that any criminal convictions and/or civil violation adjudications be disclosed;

B. Training and policy materials provided within the application packet to be reviewed prior to

submitting application;

C. A requirement that any experience relevant to ADC work be listed;

D. A requirement that ADC applicants obtain signatures on the application form from a regional

wildlife biologist and a game warden endorsing the applicant as suitable for approval by the

Department as an ADC agent.

## 27.07 EXAMINATION

1. **Written:** Applicants must satisfactorily complete a written exam in each classification for which they apply. A passing score on the written exam must be 80% or higher in each section of the exam. Testing accommodations shall be provided upon request in compliance with A.D.A. standards. Applicants who have previously held an ADC agent certificate and are

applying for a new certificate will be required to take a written exam if they have not successfully passed an exam within the past 3 years.

### **27.08 OPERATING STANDARDS**

1. Agents must abide by all applicable State and Federal laws.
2. Failure to comply with department ADC Policy may result in revocation or suspension of the agent certificate

### **27.09 TERM OF CERTIFICATION**

1. An ADC certification authorizes a person to perform the work of an ADC agent of the Commissioner from the date of issuance through June 30th of the 2nd complete year following the year of issuance.

### **27.10 DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATION**

1. The department may deny an application for certification if eligibility and application requirements are not met (see section 27.05 and 26.06).
2. The department may revoke or suspend a certification if:
  - A. There are violations of the operating standards (see section 27.08);
  - B. The agent is found to be no longer eligible for certification (section 27.05);
  - C. The agent submitted false information or failed to disclose information required by the application;
  - D. The agent is found to be incompetent, negligent or neglectful in the conduct of ADC activities,  
including, but not limited to, entering into a contractual agreement with a client to provide services and then failing, without just cause, to provide the services as agreed;
  - E. Failure to meet the qualifications for the certification, including but not limited to, failing to pass reexamination;
3. The department will notify the agent of any denial, revocation or suspension in writing, which shall inform the agent of the reasons for the department's decision.
4. Any person whose application for certification has been denied, or whose certification has been suspended or revoked, may request an appeal hearing before the department. The request for a hearing under this paragraph must be submitted to the department, in writing within 30 days of receipt of the notice of denial, revocation or suspension of the ADC certificate. Appeal hearings will be held in accordance with the adjudicatory proceeding provisions of the Maine Administrative Procedures Act. The issues on appeal will be whether there are sufficient grounds for the denial, revocation or suspension and whether the issuance or reinstatement of a certificate would be in the best interests of justice.

### **27.11 Transition and Grandfathering Provisions**

1. Any person who is certified as an ADC agent as of July 1, 2019, may continue to perform ADC services and upon recertification is exempt from the examination requirements but must still meet the background and training requirements for that recertification and any future recertification. If a person who is certified as an ADC agent as of July 1, 2019, fails to recertify, within 3 years past the expiration date of their certificate, may be required to comply with all certification requirements including background check, training and examination.

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STATUTORY AUTHORITY: 12 M.R.S. §10105 subsection 1.

## Appendix B. Important Contact Information for ADC Program

### MDIFW Main Office

**Physical Address:**

284 State Street  
Augusta, ME 04333-0041

**Mailing Address:**

41 State House Station  
Augusta, ME 04333-0041

**Telephone:** (207) 287-8000

**Fax:** (207) 287-8094 or (207) 287-6395

**TTY:** Maine Relay 711

**Wildlife Division Director**

(207) 287-5250

Nathan Webb: [Nathan.Webb@maine.gov](mailto:Nathan.Webb@maine.gov)

**Wildlife Management Section Supervisor**

(207) 287-5253

Ryan Robicheau: [Ryan.Robicheau@maine.gov](mailto:Ryan.Robicheau@maine.gov)

**Wildlife Administrative Assistant**

(207) 287-5252

Karen Estabrook: [Karen.Estabrook@maine.gov](mailto:Karen.Estabrook@maine.gov)

**Wildlife Special Projects Coordinator**

(207) 287-5293

Robert Cordes: [Robert.Cordes@maine.gov](mailto:Robert.Cordes@maine.gov)

### MDIFW Regional Wildlife Offices - map on last page of appendix

**Region A - Gray**

15 Game Farm Road  
Gray, ME 04039  
(207) 287-5759

Scott Lindsay, Regional Biologist: [Scott.Lindsay@maine.gov](mailto:Scott.Lindsay@maine.gov)  
Brad Zitske, Asst. Regional Biologist: [Brad.Zitske@maine.gov](mailto:Brad.Zitske@maine.gov)  
Cory Stearns, Asst. Regional Biologist: [Cory.R.Stearns@maine.gov](mailto:Cory.R.Stearns@maine.gov)

**Region B - Sidney**

270 Lyons Road  
Sidney, ME 04330-9711  
(207) 287-5300

Keel Kemper, Regional Biologist: [Keel.Kemper@maine.gov](mailto:Keel.Kemper@maine.gov)  
Kendall Marden, Asst. Regional Biologist:  
[Kendall.R.Marden@maine.gov](mailto:Kendall.R.Marden@maine.gov)  
John Pratte, Asst. Regional Biologist/Swan Island Manager:  
[John.Pratte@maine.gov](mailto:John.Pratte@maine.gov)

**Region C - Jonesboro**

PO Box 220  
Jonesboro, ME 04648  
(207) 434-5927

Stephen Dunham, Regional Biologist: [Steve.Dunham@maine.gov](mailto:Steve.Dunham@maine.gov)  
Josh Matijas, Asst. Regional Biologist: [Josh.Matijas@maine.gov](mailto:Josh.Matijas@maine.gov)  
Carl Tugend, Asst. Regional Biologist: [Carl.A.Tugend@maine.gov](mailto:Carl.A.Tugend@maine.gov)

**Region D - Strong**

689 Farmington Road  
Strong, ME 04983  
(207) 778-3324

Charles Hulsey, Regional Biologist: [Charles.Hulsey@maine.gov](mailto:Charles.Hulsey@maine.gov)  
Sarah Boyden, Asst. Regional Biologist: [Sarah.Boyden@maine.gov](mailto:Sarah.Boyden@maine.gov)

**Region E - Greenville**

PO Box 551  
Greenville, ME 04441  
(207) 695-3756

Douglas Kane, Regional Biologist: [Douglas.Kane@maine.gov](mailto:Douglas.Kane@maine.gov)  
Scott McLellan, Asst. Regional Biologist: [Scott.McLellan@maine.gov](mailto:Scott.McLellan@maine.gov)

**Region F - Enfield**

16 Cobb Road  
Enfield, ME 04493  
(207) 732-4132

Mark Caron, Regional Biologist: [Mark.Caron@maine.gov](mailto:Mark.Caron@maine.gov)  
Allen Starr, Asst. Regional Biologist: [Allen.Starr@maine.gov](mailto:Allen.Starr@maine.gov)

**Region G - Ashland**

PO Box 447  
Ashland, ME 04732-0447  
(207) 435-3231

Shawn Haskell, Regional Biologist: [Shawn.Haskell@maine.gov](mailto:Shawn.Haskell@maine.gov)  
Amanda DeMusz, Asst. Regional Biologist:  
[Amanda.J.DeMusz@maine.gov](mailto:Amanda.J.DeMusz@maine.gov)

**MDIFW Bangor Research Office**

650 State Street  
Bangor, ME 04401-5654  
(207) 941-4440

**Resource Assessment Section Supervisor**

(207) 941-4467      Craig McLaughlin: [Craig.McLaughlin@maine.gov](mailto:Craig.McLaughlin@maine.gov)

**Mammal Group Supervisor**

(207) 941-4471      Vacant

**Bird Group Supervisor**

(207) 941-4469      Brad Allen: [Brad.Allen@maine.gov](mailto:Brad.Allen@maine.gov)

**Reptile, Amphibian, and Insect Group Supervisor**

(207) 941-4239      Phillip deMaynadier: [Phillip.deMaynadier@maine.gov](mailto:Phillip.deMaynadier@maine.gov)

**Habitat Group Supervisor & Oil Spill Coordinator**

(207) 941-4455      Don Katnik: [Donald.Katnik@maine.gov](mailto:Donald.Katnik@maine.gov)

**Endangered and Threatened Species Coordinator**

(207) 941-4468      Charlie Todd: [Charlie.Todd@maine.gov](mailto:Charlie.Todd@maine.gov)

**Submit Quarterly Reports to:**

Maine Dept. of Inland Fisheries and Wildlife  
**ATTN:** ADC Report  
41 State House Station  
Augusta, ME 04333-0041

or via email to:  
[ADCREPORTING@maine.gov](mailto:ADCREPORTING@maine.gov)

## **MDIFW Warden Service Headquarters**

*To reach a game warden 24-hours a day, please contact the dispatch at the regional communication center nearest you at one of the numbers below.*

### **Southwestern Division - Gray**

15 Game Farm Road  
Gray, ME 04039  
(207) 657-2345

**Regional Communication Center (Augusta) 1-800-452-4664**

### **Southwestern Division - Sidney**

270 Lyons Road  
Sidney, ME 04330  
(207) 287-5300

**Regional Communication Center (Augusta) 1-800-452-4664**

### **Central Division - Greenville**

Physical Address: 19 Village Street  
Mailing Address: PO Box 551, Greenville, ME 04441  
(207) 695-3756

**Regional Communication Center (Bangor) 1-800-432-7381**

### **Central Division - Bangor**

650 State Street  
Bangor, ME 04401  
(207) 941-4440

**Regional Communication Center (Bangor) 1-800-432-7381**

### **Northeastern Division - Ashland**

Physical Address: 63 Station Hill Road  
Mailing Address: PO Box 447, Ashland, ME 04732  
(207) 435-3231

**Regional Communication Center (Houlton) 1-800-924-2261**

## Non-MDIFW contacts

### USDA-Wildlife Services

79 Leighton Road, Suite 12  
Augusta, Maine 04330  
Phone: (207) 629-5181  
FAX: (207) 629-5182  
Toll-Free Number: (1-866-487-3297)  
www.aphis.usda.gov/wildlife-damage/  
**State Director** Robin Dyer: [robin.a.dyer@aphis.usda.gov](mailto:robin.a.dyer@aphis.usda.gov)

### Maine Center for Disease Control

#### Disease Surveillance Epidemiology Program

286 Water Street  
Augusta, ME 04330  
Phone: 1-800-821-5821  
Fax: 1-800-293-7534  
TTY: Maine relay 711  
E-mail: [disease.reporting@maine.gov](mailto:disease.reporting@maine.gov)

#### Health & Environmental Testing Laboratory (HETL)

221 State St  
Statehouse Station #12  
Augusta, Maine 04333-0012  
Telephone: 207-287-2727  
Fax: 207-287-6832

### Maine Animal Control Association

60 Community Drive  
Augusta, ME 04330

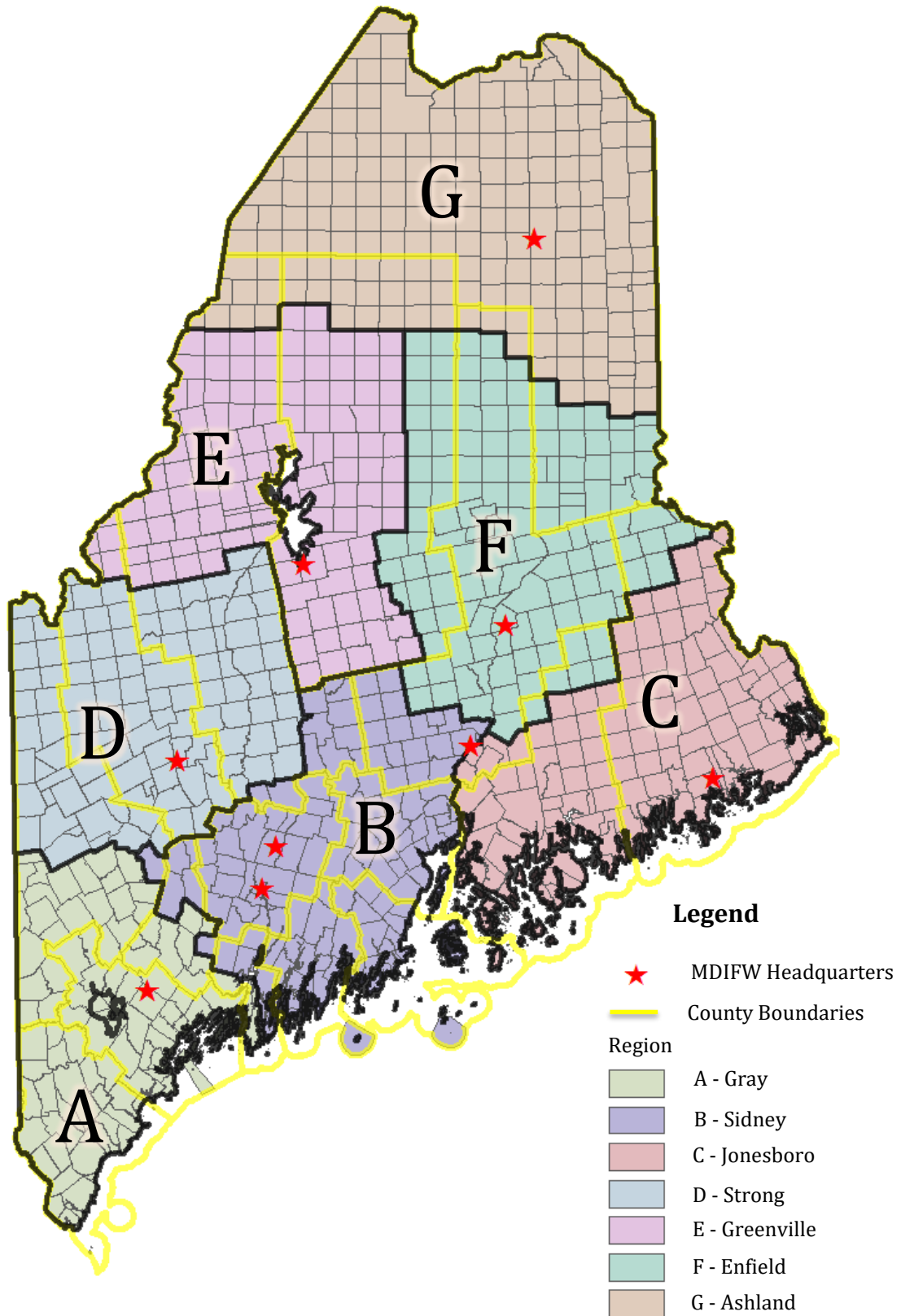
<https://www.macamaine.com/documents/association/MembershipList.pdf>

If you need assistance with an animal, please contact your **local Animal Control Officer for your municipality**. Contact your municipal office or website for the number.

### US Fish and Wildlife Service

Maine Field Office  
306 Hatchery Road  
East Orland, ME 04431  
(207) 866-3344  
**State Director** Anna Harris: [Anna.Harris@fws.gov](mailto:Anna.Harris@fws.gov)

# MDIFW Fisheries and Wildlife Regions and Headquarters





**MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

284 State Street, 41 SHS Augusta, ME 04333

Phone 207-287-5252/Fax 207-287-6395

**Quarterly Report of Animal Damage Control Activities**

**Report Period (check one):**  January-March  April-June  July-September  October-December

**Reporting Year:** \_\_\_\_\_

**Agent Name:** \_\_\_\_\_

**Agent ID #** \_\_\_\_\_ **Phone Number:** ( ) \_\_\_\_\_ **Email Address:** \_\_\_\_\_

*Please provide the information requested below for all complaints that you handled during this reporting period.*

Species Handled	Complaint Type	Method to Resolve	Complaint Town	# of Animals	Relocation Town	Additional Comments
	<input type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input type="checkbox"/> Lethal				
	<input type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input type="checkbox"/> Lethal				
	<input type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input type="checkbox"/> Lethal				
	<input type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input type="checkbox"/> Lethal				
	<input type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input type="checkbox"/> Lethal				
	<input type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input type="checkbox"/> Lethal				
	<input type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input type="checkbox"/> Lethal				

• See page 2 for instructions for properly filling out the form

**MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

284 State Street, 41 SHS Augusta, ME 04333

Phone 207-287-5252/Fax 207-287-6395

**ADC Quarterly Report - Instructions**

**Please fill out this form in its entirety every quarter on the following schedule:**

**1<sup>st</sup> quarter** January- March; reports due by April 10<sup>th</sup>; **2<sup>nd</sup> quarter** April-June; reports due by July 10<sup>th</sup>;  
**3<sup>rd</sup> quarter** July-September; reports due by October 10<sup>th</sup>; **4<sup>th</sup> quarter** October-December; reports due by January 10<sup>th</sup>.

**Species:** Use this space to indicate each species that you handled during the reporting period.

**Complaint Type:** Check the box that applies, **Property Damage** includes eating shrubbery, gardens, excavating in yards and around foundations, chewing on structures, entering buildings, etc.; **Agricultural damage** only pertains to commercial crops or plantings for feeding livestock; **Killing Domestic**s would include either pets or livestock; **Sick/Injured**, can include rabies, distemper, or animals that aren't behaving normally or injured; **Other**, if the complaint doesn't fit in any of the other categories, check this box – but please specify what the complaint was in the comment box.

**Method to Resolve:** Check the box that applies to the abatement method you took to address the issue.

**Complaint Town:** Indicate the town where the complaint occurred.

**Number of animals:** Indicate the number of animals of each species you handled in each town for each abatement method.

**Relocation Town:** Indicate the town(s) where you released relocated animals.

**Additional Comments:** Please use this space to indicate any complaints that don't fit into the listed categories, or you use abatement methods not listed, or if there is any other important information you wish to share with the Department.

**Please use a separate row for each species/town/method combination. Use additional sheets if necessary.**

An example, if you handled 20 skunk complaints during the reporting period and 10 skunks were in Town A that you live-trap and released in Town C, 10 more were in in Town B, of those you euthanized 5 and relocated the other 5 to Town C. Your chart should look like this:

Species Handled	Complaint Type	Method to Resolve	Complaint Town	# of Animals	Relocation Town	Additional Comments
Skunk	<input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input checked="" type="checkbox"/> Relocation <input type="checkbox"/> Lethal	Town A	10	Town C	
Skunk	<input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input type="checkbox"/> Relocation <input checked="" type="checkbox"/> Lethal	Town B	5		
Skunk	<input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Sick/Injured <input type="checkbox"/> Agricultural Damage <input type="checkbox"/> Killing domestics <input type="checkbox"/> Other (specify)	<input type="checkbox"/> Education <input type="checkbox"/> Exclusion <input type="checkbox"/> Site Modification <input type="checkbox"/> Hazing <input checked="" type="checkbox"/> Relocation <input type="checkbox"/> Lethal	Town B	5	Town C	

**Please submit this report form according to the quarterly schedule to:**

Maine Department of Inland Fisheries and Wildlife  
 ATTN: ADC Report  
 41 State House Station  
 Augusta, ME 04333-0041

or via email to: ADCReport.IFW@maine.gov

## Appendix D. State and Federal Lists of Endangered, Threatened (as of 1/2019)

### MAMMALS

**Federal Endangered:**

None

**Federal Threatened:**

Canada Lynx  
Northern long-eared bat

**State Endangered:**

Little brown bat  
New England cottontail  
Northern long-eared bat

**State Threatened:**

Eastern small-footed bat  
Northern bog lemming

### BIRDS

**Federal Endangered:**

Roseate tern

**Federal Threatened:**

Piping Plover  
Red knot

**State Endangered:**

American pipit  
Black-crowned night heron  
Black tern  
Golden eagle  
Grasshopper sparrow  
Least bittern  
Least tern  
Peregrine falcon  
Piping plover  
Roseate tern  
Sedge wren

**State Threatened:**

Arctic tern  
Atlantic puffin  
Barrow's goldeneye  
Common gallinule  
Great cormorant  
Harlequin duck  
Razorbill  
Short-eared owl  
Upland sandpiper

### AMPHIBIAN

None State or Federal listed

### REPTILE

**Federal Endangered:**

Hawksbill sea turtle  
Leatherback sea turtle

**Federal Threatened:**

None

**State Endangered:**

Black racer  
Blanding's turtle  
Box turtle

**State Threatened:**

Spotted turtle

## Appendix E. Common Strategies for Education and Prevention of Wildlife Conflicts

### Suggested Basic Equipment and Traps

Auto-locking catch pole	First-Aid Kit
Snake tongs	Hand Sanitizer
Cat Grabber (claw)	Leather bite gloves
Nets: small & large	Bleach
Animal Carriers: small and large	Disposable nitrile gloves
Heavy blanket	Bucket
Small / large cage (box) traps	Shovel
Ladder	Digital camera
Game camera	Headlamp / flashlight
Roll of wire	Pliers
File & wax candles (for tuning trap triggers)	Telescoping mirror
Heavy duty garbage bags	
Various sizes of commercial grade (heavy gauge) wire cage-type live traps ranging from 3"x3"x10" to large 24"x36"x76"	

### Humane and Ethical Considerations

- A. Consider the weather when setting traps in areas with direct sunlight (maybe be beneficial in cold weather and detrimental in hot weather).
- B. When appropriate cover the trap to provide shelter and visual obstruction.
- C. Check traps more frequently during extreme temperatures or consider other methods.
- D. Limit human exposure to the trapped animals, even if the animal is to be humanely dispatched. This is particularly important when setting foothold traps, trapped animals should not be visible to the public.
- E. When lethal removal is necessary, animals must be dispatched in a manner that limits stress and suffering, as well as being mindful of the animal's welfare.
- F. Do not relocate any animal to an area without permission from the landowner or an area which may harm others, their property, or the animal.
- G. Animals should be relocated to an area with adequate habitat needs for the species whenever possible/practical; utilizing the same site for numerous releases of the same species should be avoided.
- H. Rabies vector species may not be relocated more than 10 miles from the capture site.
- I. Dispose of carcasses only where permitted, out of public view, and in a manner that doesn't create nuisances or hazards.

## Health and Safety Considerations:

Animal Damage Control work can be hazardous to the Agent. Wildlife can be unpredictable, and an ADC agent can be injured from animal bites and scratches. The nature of the work can put you in a work environment that can be dangerous, including; enclosed spaces, attics, on ladders, or in cold/hot ambient weather. Also, handling wildlife or being in the space with animal feces and urine can put you at risk from disease transmission. It is important to safeguard yourself with proper Personal Protection Equipment (PPE) for each situation you enter (i.e., rubber gloves, face mask/respirator, protective goggles, etc...). Below is a list of just a few common diseases that can be transmitted from wild animals to humans.

Histoplasmosis (bats)	Rabies (mammal bites)
Roundworm / Ringworm (raccoon feces)	Lyme disease (tick bites)
Hantavirus (rodent bites and feces)	West Nile Virus (mosquito)
Toxoplasmosis (skin contact)	Mange (skin contact)
Anaplasmosis (tick bites)	Babesia (tick bites)

- **Note:** If you are not feeling well after handling animals, notify your physician of the type of work you do and the possibility of exposure to zoonotic diseases. Likewise, if you have been exposed to a diseased animal or injured by an animal, seek medical assistance.

## Common Strategies for Prevention or Abatement Around the Home and Garden

- 1) Stop feeding wildlife, and encourage neighbors to stop as well;
- 2) Avoid feeding pets outside. If pets are fed outside, only provide the amount of food they will eat and clean-up any leftovers;
- 3) Keep small pets (particularly cats) inside, unless supervised;
- 4) Clean up bird seed and other food attractants;
- 5) Avoid feeding birds between April 15<sup>th</sup>- November 1<sup>st</sup>;
- 6) Store pet food and food for livestock in secure containers and/or buildings;
- 7) Store garbage in secure containers, avoid overfilling containers, and when possible in a secure building;
- 8) Keep compost piles away from house and outbuildings, and avoid placing food scraps that could attract wildlife;
- 9) Keep livestock (particularly poultry, sheep, goats, and newborns) inside a secure building or predator proof cages, when possibly – but particularly at night;
- 10) Secure possible entry points to the home and outbuildings, using tight mesh hardware cloth (1/2" or less squares) or similar materials. Common entry points include: chimneys, soffits, flashing, foundations and crevices, and loose door and window jambs, open or broke windows and doors.
- 11) Keep woodpiles and other organic debris away from home and outbuildings;

- 12) Keep lawns mowed, prune trees, and remove underbrush;
- 13) Utilize temporary audio and visual hazing devices such as: motion lights, pyrotechnics, propane cannons, sirens, radios, motion activated sprinkler, ultra-sonic devices, mylar tape, predator silhouettes, or similar scare devices;
- 14) Use taste repellents (like Ropel; or capsaicin) to temporarily stop damage to garden crops, flower gardens, ornamental shrubs, or chewing of plywood and siding;
- 15) Utilize physical barriers to limit accessibility to attractive features, common materials used are: burlap, woven wire fencing, snow fencing, electric fencing, nylon or plastic netting, metal flashing, fishing line (for small areas).
- 16) Use odor repellents such as bleach or ammonia-soaked rags to keep animals away from attractive features. **However, it is not appropriate to fill balloons with these substances due to the damage it can have on an animal's organs and senses when ingested or exposed.**
- 17) When applicable use recreational hunting and/or trapping to help reduce offending animals in the area. This can be done in conjunction with other methods.

**In addition to the above Strategies, here are some additional, species-specific recommendations/considerations**

**Bats:** See [Appendix F](#) for separate bat guidance.

**Beaver:** See [Appendix G](#) for separate beaver guidance.

**Bears:** See [Appendix H](#) for separate bear guidance.

**American Marten:**

**Prevention:** Concentrate on reducing attractiveness of property to rodents and squirrels.

**Cage (box) Trap Selection:** 6"x6"x18" to 7"x7"x24".

**Foothold Trap Selection:** Not recommended

**Body Gripping Traps Selection:** Typically, 120 (4.5") or 155 (5"); if baited, must be used in conjunction with a lynx exclusion device.

**Bait Selection:** Scrap meat, various roadkill rodents, beaver meat, strawberry jam, commercial marten lure.

**Prime Trap Location:** At the location of damage, entry points into the home, or along rock walls, fence lines, or foundations.

**Other Notes:** Cover trap with loose hay or pine boughs.

**Bobcat:**

**Prevention: 1)** Bury any carcasses from dead livestock; **2)** Use trained guard dogs or donkeys around livestock.

**Cage (box) Trap Selection:** 15"x18"x42" to 20"x28"x77"

**Foothold Trap Selection:** 1 ¾ coilspring or equivalent, must meet foothold trap restrictions (see Appendix A for specific restrictions).

**Body Gripping Traps Selection:** not recommended

**Bait Selection:** Meat scraps, commercial baits.

**Prime Trap Location:** At site of damage, or at entry points along fences, buildings, or along wood line.

**Brown (Norway) Rat:**

**Prevention: 1)** Store livestock and pet feed in sealed containers; **2)** Remove all open compost and place in a secure bin, including manure.

**Cage (box) Trap Selection:** 5"x5"x15"

**Foothold Trap Selection:** not applicable.

**Body Gripping Traps Selection:** Professional (2"x2" pan) rat-sized snap trap; or 2.5" RBG or 3" RBG trap (If meat bait is used, placed in an enclosed box with a 2-inch hole).

**Bait Selection:** Pieces of hot-dogs, peanut butter/oatmeal mixture; marshmallows.

**Prime Trap Location:** Place traps along walls or other areas of high traffic.

**Other Notes:** Rodenticides can be used by the homeowner and are commercially available. If used by ADC agents, the agent must be licensed by the Board of Pesticides control.

**Coyote:**

**Prevention: 1)** Bury any carcasses from dead livestock; **2)** Use electric fencing around a small area or garden to limit coyotes from entry; **3)** Use trained guard dogs, donkeys, or llamas around livestock;

**Cage (box) Trap Selection:** 15"x22"x48"

**Foothold Trap Selection:** #1 ¾, #2, #3 coilsprings or equivalent, must meet foothold trap restrictions (see Appendix A for specific restrictions).

**Bait Selection:** meat scraps, roadkill rodents, dead mice, commercial baits.

**Prime Trap Location:** At the location of damage, entry points into the home or buildings, or wood-line.

**Other Notes:** Night hunting with calls can be effective.

**Crows and Blackbirds:**

**Prevention:** **1)** Remove roost trees; **2)** Bury any carcasses from dead livestock; **3)** Use nylon or plastic netting to exclude birds from damage/attraction areas of the building; **4)** Temporary visual and audio frightening devices can be useful in some situations especially when combined with effigies. Constant noise or nonmoving effigies are less effective than surprise noises and movement.

**Cage (box) Trap Selection:** Not allowed, contact MDIFW or USDA-Wildlife Services.

**Deer:**

**Prevention:** **1)** Use deer resistant ornamental plants in home landscapes; **2)** Use 8' woven wire fencing to exclude from large gardens or orchards; **3)** Use temporary electric fence to exclude from small gardens or fruits crops as they become seasonally available (See diagram at the end of the document); **4)** Protect individual trees by fencing 6' high around base, but be sure to leave adequate growing space; **5)** Temporary visual and audio frightening devices can be useful if used as a preventative and activated by motion so as to surprise the animal; **6)** Use taste repellents (like Ropel; or capsaicin) to temporarily stop damage;

**Cage (box) Trap Selection:** Not allowed, contact MDIFW

**Other Notes:** When using electric fence, you can use peanut butter on a piece of aluminum foil to ensure that nose (or tongue) to fence contact is made with electric fencing.

**Ducks:**

**Prevention:** **1)** Control vegetation around ponds, gardens, and yards that is attractive to nesting, **2)** Install overhead netting over small ponds; **3)** Clean up food sources; **4)** Work with towns to create local ordinances prohibiting the feeding of waterfowl. **5)** Can use hawk effigies, such as kites and moto hawks.

**Cage (box) Trap Selection:** Not allowed, contact MDIFW or USDA-Wildlife Services.

**Fisher:**

**Prevention:** **1)** Limit attractiveness of property to rodents and squirrels;

**Cage (box) Trap Selection:** 10"x10"x30" to 12"x12"x36"

**Foothold Trap Selection:** # 1 ½ coilspring or equivalent, must meet foothold trap restrictions (see Appendix A for specific restrictions).

**Body Gripping Traps Selection:** Typically, #120 to #220 (5-8" X 5-8"); but must be used in conjunction with a lynx exclusion device.

**Bait Selection:** scrap meat, various roadkill rodents, beaver meat, commercial fisher lure

**Prime Trap Location:** At the location of damage, entry points into the home, or along rock walls, fence lines, or foundations

**Other Notes:** Cover trap with loose hay or pine boughs



**Flying Squirrel:**

**Prevention:** **1)** Trim limbs from trees and shrubs a minimum of 8' from buildings to prevent access to attics and roof; **2)** Use bird feeders with squirrel proofing baffles; **3)** Use one-way excluder devices to remove animals from attics or living spaces.

**Cage (box) Trap Selection:** 3"x4"x17" to 5"x5"x21"

**Body Gripping Traps Selection:** Professional (2"x2" pan) rat-sized snap trap, or 2.5" RBG trap (should be used indoors).

**Bait Selection:** Black oil sunflower seeds, acorn paste bait, peanut butter.

**Prime Trap Location:** Home entry points, or base of tree/under bushes.

**Other Notes:** Try to avoid relocating in December – March; Place sticks though the sides of the trap so the squirrel has to crawl along the bottom of the trap and onto the trigger. Best to use exclusion tube (see diagram in **Appendix F**, bat exclusion).

**Frogs and Toads:**

**Prevention:** **1)** Keep basement dry; **2)** Holes and crevices in foundations and basement sills should be sealed to prevent entry **3)** Maintain a perimeter around the foundation free from organic debris.

**Prime Trap Location:** Near points of entry into house along the foundation.

**Other Notes:** If the complainant cannot live with noise from frogs and toads, they can keep shorelines of ponds free of vegetation to minimize cover

**Geese:**

**Prevention:** **1)** Eliminate artificial food sources, such as grains; **2)** Use of dead goose (effigies) or predator decoys; **3)** Plant trees along pond or shoreline edge to create a visual barrier and interfere with flight lines; **5)** Regularly mowed grasses provide nutritious food so avoid mowing regularly especially within a 50ft distance of the shoreline; **6)** Plant fescues or other non-palatable grasses, and avoid legumes; **7)** Temporary fences can be used during mid-summer months when geese are molting; **8)** Hazing with dogs can be a short-term effective deterrent; **9)** Work with towns to create local ordinances prohibiting the feeding of waterfowl.

**Cage (box) Trap Selection:** Not allowed, contact Dept. or Wildlife Services.

**Gray Fox:**

**Prevention:** **1)** Use temporary electric fence around livestock, particularly poultry.

**Cage (box) Trap Selection:** 15x15x36 cage trap.

**Foothold Trap Selection:** 1 ½ coilspring or equivalent, must meet foothold trap restrictions (see Appendix A for specific restrictions)

**Bait Selection:** Marshmallows, meat scraps, roadkill rodents, dead mice, commercial baits.

**Prime Trap Location:** At the location of damage, entry points into the home, or wood-line/grass-line, rock walls.

**Other Notes:** Night hunting with calls can be effective.

### **Gray Squirrel:**

**Prevention:** **1)** Trim limbs from trees and shrubs a minimum of 8' from buildings to prevent access to attics and roof; **2)** Use bird feeders that capture fallen seed to reduce the amount that reaches the ground; **3)** Use bird feeders with squirrel proofing baffles; **4)** Use one-way excluder devices to remove animals from attics or living spaces;

**Cage (box) Trap Selection:** 5"x5"x21" to 6"x6"x19".

**Body Gripping Traps Selection:** #50 (3.5"x4.5" or #110 (4.5"), Koro Large rodent trap (4"x5") tube trap (3.5"x18").

**Bait Selection:** Black oil sunflower seeds, acorn paste bait

**Prime Trap Location:** Point of home entry, or base of tree/under bushes.

### **Lynx:**

**Prevention:** **1)** Secure open entry points to the home and outbuildings; **2)** Clean up bird seed and other attractants to rodents and squirrels; **3)** Installation of temporary electric fence (see **Appendix I**, for further information regarding fencing for lynx);

**Cage (box) Trap Selection:** Not allowed, contact Dept.

**Foothold Trap Selection:** Not allowed, contact Dept.

**Body Gripping Traps Selection:** Not allowed, contact Dept.

**Other Notes:** There is a fencing option and loaner program for Lynx damage to poultry and small livestock, See **Appendix I** for details.

### **Mice:**

**Cage (box) Trap Selection:** 3x3x10 Enclosed box trap.

**Body Gripping Traps Selection:** Mouse size snap traps.

**Bait Selection:** Peanut butter, marshmallows.

**Prime Trap Location:** Place traps along walls or other areas of high traffic, or food sources.

**Other Notes:** Rodenticides can be used by the homeowner and are commercially available. If used by ADC agents, the agent must be licensed by the Board of Pesticides control.

### **Mink:**

**Cage (box) Trap Selection:** 6"x6"x19" to 7"x7"x30"

**Foothold Trap Selection:** Not recommended, unless used in a submersion set.

**Body Gripping Traps Selection:** #110/#120 (4.5”) or #155 (5”); if baited must be used in conjunction with a lynx exclusion device or following other restrictions (see Appendix A).

**Bait Selection:** Chicken livers (bloody meats), sardines, fish oil.

**Prime Trap Location:** At damage location, can block entrance hole with trap; or near damage at water’s edge using appropriate blind sets.

### **Moles:**

**Prevention: 1)** For small gardens, you can place tight mesh hardware cloth into the ground at least 12”, with at least a 12” vertical apron around the perimeter; **2)** Ultrasound sound devices may have some limited effect; **3)** Manage the grubs in the lawn or turf (see notes below)

**Body Gripping Traps Selection:** There are mole specific scissor or spike traps.

**Bait Selection:** There are commercial baits, but also can use a blind set in runway.

**Prime Trap Location:** Primary tunnels/runways.

**Other Notes:** Reducing soil invertebrates like grubs can have a limited effect but can harm the lawn long-term by removing beneficial lawn invertebrates; Any pesticide must be done by the homeowner or if used by ADC agents, the agent must be licensed by the Board of Pesticides control.

### **Moose:**

**Prevention: 1)** Use moose resistant ornamental plants in home landscapes; **2)** Use 10’ woven wire fencing to exclude from large gardens or orchards; **3)** Use temporary electric fence to exclude from small gardens or fruit crops as they become seasonally available; **4)** Protect individual trees by fencing 8’ high around base, but be sure to leave adequate growing space; **5)** Temporary visual and audio frightening devices can have very limited success if used as a preventative measure and activated by motion so as to surprise the animal; **6)** Taste repellents (like Ropel; or capsaicin) can be used to temporarily stop damage.

**Cage (box) Trap Selection:** Not allowed, contact Dept.

**Other Notes:** When installing fence or dealing with moose that have damaged fencing, it is recommended to put a highly visible (often white) polytape around the top wire/near the top of the fence, to ensure moose are able to see the fence.

### **Muskrat:**

**Prevention: 1)** Obtain appropriate town and DEP permitting to place large stone rip-rap on the banks of ponds; **2)** Control attractive aquatic vegetation (food sources) on banks and surrounding ponds and streams.

**Cage (box) Trap Selection:** 7x7x24 cage trap, or colony trap used underwater.

**Foothold Trap Selection:** Not recommended unless used in a submersion set.

**Body Gripping Traps Selection:** #110/#120 (4.5”), #155 (5”).

**Bait Selection:** Carrots, apples, parsnips.

**Prime Trap Location:** At the water’s edge, at damage locations, or in runways, bankholes or entrances to houses.

**Other Notes:** Can use commercial floating 1-way muskrat trap.

### **Opossum:**

**Prevention: 1)** Close holes in attics and under buildings to prevent access.

**Cage (box) Trap Selection:** 10”x10”x30” to 12”x12”x32”.

**Foothold Trap Selection:** Foot-encapsulating traps.

**Body Gripping Traps Selection:** Typically, 160 or 220 (5-8” X 5-8”); but must be used in conjunction with a lynx exclusion device.

**Bait Selection:** Marshmallows with imitation maple syrup; fruit.

**Prime Trap Location:** Dark quiet place, or at entrances to foundations.

**Other Notes:** Consider educating that opossums generally do not carry rabies and are usually non-aggressive.

### **Porcupine:**

**Prevention: 1)** Fencing around small tree planting, orchards and gardens; 2)

Individual tree can be protected by wrapping the trees with at least 30” of aluminum

flashing to prevent climbing, you can paint the flashing to blend in to the tree color; 3)

Avoid using stains or wood preservatives that are metal-salt solutions, porcupines are attracted to the salt;

**Cage (box) Trap Selection:** 10”x10”x30” to 12”x12”x32”.

**Foothold Trap Selection:** #2 or #3 coil spring trap, must meet foothold trap restrictions (see Appendix A for specific restrictions).

**Body Gripping Traps Selection:** not recommended

**Bait Selection:** Salt soaked cloth or sponge, or apples with commercial lures.

**Prime Trap Location:** Place near the damage location.

**Other Notes:** Using a single strand of temporary ribbon electric fence at the top of exclusion fence with molasses on the wire can help exclude from trees.

### **Raccoon:**

**Prevention: 1)** Close holes in attics and under buildings to prevent access.

**Cage (box) Trap Selection:** 10”x10”x30” to 12”x12”x32” – it is best to have small mesh >1/2” on back of trap to limit digging.

**Foothold Trap Selection:** Foot-encapsulating traps work well for raccoons and limit non-target capture; #1 coil spring, #11 double long spring, must meet foothold trap restrictions (see Appendix A for specific restrictions).

**Body Gripping Traps Selection:** #120 (4.5"), #155 (5-inch); if baited must be used in conjunction with lynx exclusion device; or #160 (6-inch), #220 (7"); must be used in conjunction with a lynx exclusion device.

**Bait Selection:** Large marshmallows, peanut butter, in conjunction with sweet lures.

**Prime Trap Location:** Corner of building, under bushes – make certain to secure trap, raccoons are deceptively strong.

### **Red Fox:**

**Prevention:** **1)** Place ammonia-soaked rag at the entrance to a den to make the vixen move her pups to an alternative den site that is farther from the home and outbuildings; **2)** Use temporary electric fence around livestock, particularly poultry.

**Cage (box) Trap Selection:** 15"x15"x36 "cage traps.

**Foothold Trap Selection:** 1 ½ coilspring or equivalent.

**Bait Selection:** Marshmallows, meat scraps, roadkill rodents, dead mouse, commercial baits.

**Prime Trap Location:** At the location of damage, entry points into the home, or wood-line/grass-line, rock walls.

**Other Notes:** Night hunting with calls can be effective.

### **Red Squirrel/Chipmunk:**

**Prevention:** **1)** Trim limbs from trees and shrubs a minimum of 8' from buildings to prevent access to attics and roof; **2)** Use bird feeders that capture fallen seed to reduce the amount that reaches the ground; **3)** Fox or coyote urine around flower gardens can be a temporary deterrent; **4)** Use one-way excluder devices to remove animals from attics or living spaces.

**Cage (box) Trap Selection:** 4"x4"x17" to 6"x6"x19".

**Body Gripping Traps Selection:** Professional (2"x2" pan) rat-sized snap traps or #2.5 or #3.5 RBG trap, or Koro rodent trap (3.5"x4") (should be used indoors).

**Bait Selection:** Black oil sunflower seeds, acorn paste bait

**Prime Trap Location:** At home entry point, or under bushes, burrow holes and runways.

**Other Notes:** Molasses/black oil sunflower seed bucket trap set in secure location

### **River Otter:**

**Prevention:** **1)** Exclusion fencing with small wire mesh around hatcheries and farm ponds and supplement with electric fencing around perimeters of facilities.

**Cage (box) Trap Selection:** 12x18x42 cage trap.

**Foothold Trap Selection:** Padded 1 ¾ coilspring or equivalent, must meet foothold trap restrictions (see Appendix A for specific restrictions).

**Body Gripping Traps Selection:** #220 or #330 (7-10"x7-10"), must be set under water.

**Bait Selection:** Fish, fish oil, commercial lure.

**Prime Trap Location:** At entry points to pond or facility.

### **Salamanders:**

**Prevention:** **1)** Keep basement dry; **2)** Holes in foundations should be sealed to prevent entry; **3)** Maintain a perimeter around the foundation free from organic debris.

### **Skunk:**

**Prevention:** **1)** Controlling the amount of grubs in the yard may have a limited benefit. There are commercial products available to the homeowner, but require appropriate formulation and specific timing, and should be used with care. If used by ADC agents, the agent must be licensed by the Board of Pesticides control. **2)** House egg laying poultry in a secure structure.

**Cage (box) Trap Selection:** 8"x8"x20" to 10"x10"x30".

**Foothold Trap Selection:** Not recommended

**Body Gripping Traps Selection:** #155 (5"), if baited must be used with lynx exclusion device, or #160 (6"); but must be used in conjunction with a lynx exclusion device.

**Bait Selection:** Mini marshmallows, butter flavored popcorn, commercial lure, canned seafood, but use with caution can be attractive to cats (tunafish; sardines).

**Prime Trap Location:** Entry points to foundations or near woodpiles.

**Other Notes:** You can wrap your box trap with tyvar or roofing felt to help prevent spraying, or use commercial plastic spray proof traps, keep in mind that ventilation is limited and animals could overheat.

**Deodorizing mixture:** ¼ cup of baking soda, 1 quart of hydrogen peroxide, 1 teaspoon of dish soap. Avoid getting this mixture in your eyes.

### **Small Birds:**

**Prevention:** **1)** Exclude birds from home or outbuildings by closing up holes 1" or greater; **2)** Remove bird feeders and other food attractions; **3)** Use netting or wire to prevent access to ledges, doorways, light fixtures, etc.; **4)** Use lightweight nylon or plastic netting to exclude birds from fruit crops; **5)** Frightening devices can have limited success.

**Cage (box) Trap Selection:** Not allowed, contact Dept. or Wildlife Services.

### **Snakes:**

**Prevention:** **1)** Remove attractants to rodents; **2)** Keep perimeter of home and outbuilding free of shrubs, vegetation, firewood, and debris; **3)** Provide alternative

nesting/basking areas away from home and outbuildings; **4)** Holes and crevices in foundations and basement sills should be sealed to prevent entry.

**Cage (box) Trap Selection:** Can use funnel or pitfall traps.

**Other Notes:** Can use large piece of plywood that is propped up with a small stone to attract snakes, then use tongs to live capture and remove. Place this artificial habitat at a location on the property where there will be no conflict and where the presence of the snake will help control pests. **Also note: there are no native venomous snakes in Maine.**

### **Snowshoe Hare:**

**Prevention: 1)** Use woven wire fencing 3' high around gardens and flowerbeds but also buried with a skirt to prevent digging under the fence; **2)** For individual fruit trees and shrubbery use a cone fence surrounding the tree at least 2 feet above anticipated snow levels;

**Cage (box) Trap Selection:** 7"x7"x24" cage trap.

**Bait Selection:** Apple slices; lettuce.

**Prime Trap Location:** At entry points to damage areas, or near woods edge or brush piles.

**Other Notes: Covering traps is very important to the welfare of hares.** It is also important to be sure that before you relocate a hare, you are **certain** that it is not an eastern cottontail, consult your regional wildlife biologist.

### **Starlings, English Sparrows, and Pigeon:**

**Prevention: 1)** Exclude birds from home or outbuildings by closing up holes 1" or greater; **2)** Remove bird feeders and other food attractions; **3)** Use netting or wire to prevent access to ledges, doorways, light fixtures, etc.; **4)** Use of frightening devices can have limited success.

**Cage (box) Trap Selection:** Commercial or homemade pigeon trap.

**Bait Selection:** Any variety of bird seed.

**Prime Trap Location:** Rooftops or raised platforms.

### **Turtles:**

**Prevention: 1)** Use of fencing can exclude turtles from ponds and gardens; **2)** Limiting use of sand and gravel for landscaping will deter turtles from digging nests; **3)** Capture and relocation of individual animals can be effective.

**Cage (box) Trap Selection:** Collapsible net traps or rigid wire trappings specific for turtles.

**Bait Selection:** Species dependent, sardines for fish eaters, corn for vegetarians.

**Prime Trap Location:** Species dependent, but near water's edge or in nesting substrate.

#### **Voles:**

**Prevention: 1)** Choose stone over mulch when possible, mulch provides cover and excellent tunneling material;

**Cage (box) Trap Selection:** 3"x3"x10" enclosed box trap.

**Body Gripping Traps Selection:** Mouse size snap traps.

**Bait Selection:** Apple slices.

**Prime Trap Location:** At tunnels, runways and burrow entrances, use a covering when using snap traps.

#### **Weasel:**

**Prevention: 1)** Holes and crevices in foundations and basement sills should be sealed to prevent entry.

**Cage (box) Trap Selection:** 4"x4"x17" to 6"x6"x19" (with 1x ½" mesh, and larger and they might escape).

**Body Gripping Traps Selection:** Professional (2"x2" pan) rat-sized snap trap, or #50 3.5"x4.5"), #110 (4.5"); if baited, must be used with lynx exclusion device.

**Bait Selection:** Chicken or cow liver, whole mice, meat scraps.

**Prime Trap Location:** Block exit hole to building with trap or near woodpiles, or chicken coop.

**Other Notes:** Collect your chicken eggs in a timely manner

#### **Wild Turkey:**

**Prevention: 1)** Clean up waste/spilled silage and move it to a location away from barn and other buildings; **2)** Cover silage in bunkers with tarps or plastic to deny access; **3)** Storage manure piles can attract birds away from barn and other buildings, if placed near wood line; **4)** Hazing with dogs can be an effective deterrent; **5)** Temporary visual and audio frightening devices can have very limited success, but may be useful when activated by motion detectors and deployed as soon as possible when the turkeys first show up to the site before they become a problem.

**Other Notes:** Contact regional biologist to inquire about the possibility of relocation or inquire about lethal removal and depredation permits. During the summer months, turkey diets (especially juveniles) contain a high percentage of insects even though they are foraging in fields and crops.

#### **Woodchuck/Groundhog:**

**Prevention: 1)** Use woven wire fencing 3' high, but also buried with a skirt to keep woodchucks out of gardens around fruit trees; **2)** Place ammonia-soaked rag at the



entrance to a den near damage location to make the animal move to an alternative site;  
**3)** Install multi-stranded temporary electric fence at 4" then another at 6-8" from ground level.

**Cage (box) Trap Selection:** 9"x9"x32" to 11"x12"x36".

**Foothold Trap Selection:** Not recommended.

**Body Gripping Traps Selection:** #155 (5"), or #160 (6"); if baited, must be used in conjunction with a lynx exclusion device.

**Bait Selection:** Cantaloupe, sliced banana, cabbage leaves, apples in conjunction with commercial lure.

**Prime Trap Location:** Place at the entrance hole at the building or surrounding the den hole, both locations are improved with blocking material.

**Other Notes:** Deploying gas cartridges in the hole most associated with conflict can have limited success.

### **Woodpeckers:**

**Prevention:** **1)** Remove dead trees from property; **2)** Application of insecticide (done by the homeowner) to wood siding to prevent attraction of woodpeckers; **3)** Providing suet away from buildings to attract away from buildings; **4)** Temporary visual and audio frightening devices are useful (example hang a large fake spider from chimney or vent pipes where they are actively drumming); **5)** Use nylon or plastic netting to exclude birds from damage/attraction areas of the building; **6)** Use metal flashing to protect wooden siding from further damage; **7)** Commercial taste repellents are available

**Cage (box) Trap Selection:** Not allowed, contact Dept. or Wildlife Services.

### Helpful links:

#### Additional species-specific information or training materials;

Maine Inland Fisheries and Wildlife Website: [mefishwildlife.com](http://mefishwildlife.com)

USDA-Wildlife Services: [www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/sa\\_program\\_overview/ct\\_aphis\\_wildlife\\_services](http://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/sa_program_overview/ct_aphis_wildlife_services)

National Wildlife Control Training Program: [wildlifecontroltraining.com](http://wildlifecontroltraining.com)

National Wildlife Control Operators Association: [nwcoa.com](http://nwcoa.com)

Northeast Association of Fish and Wildlife Agencies help page: [wildlifehelp.org](http://wildlifehelp.org)

Internet Center for Wildlife Damage Management: [icwdm.org](http://icwdm.org)

#### Trap, tool, and animal handling suppliers:

Wildlife control supplies: [wildlifecontrolsupplies.com](http://wildlifecontrolsupplies.com)  
*A variety of traps, deterrents, lures, and handling equipment*

Forestry Suppliers: [forestry-suppliers.com](http://forestry-suppliers.com)  
*Traps and animal handling equipment*

Reed-Joseph international company: [reedjoseph.com](http://reedjoseph.com)  
*Pyrotechnics and visual scare devices*

Watch dog goose patrol: [watchdoggoosepatrol.com](http://watchdoggoosepatrol.com)  
*Dog decoys*

Sutton Ag. Enterprises: [suttonag.com](http://suttonag.com)

#### There are many suppliers of trapping supplies, here are a few:

Comstock cage company: [comstockcustomcage.com](http://comstockcustomcage.com)  
*Standard and custom cage traps*

F and T trading post: [fntpost.com](http://fntpost.com)  
*A variety of traps, deterrents, lures, and handling equipment*

Margo supplies: [margosupplies.com](http://margosupplies.com)  
*Visual and audio deterrents, cage traps and handling equipment*

Minnesota Trapline Company: [minntrapprod.com](http://minntrapprod.com)  
*A variety of traps, deterrents, lures, and handling equipment*

Leggett's Trapping Supply: [trapleggetts.com](http://trapleggetts.com)  
*A variety of traps, deterrents, lures, and handling equipment*

### Equipment examples:

#### Motion-Activated Sprinkler

**Repels all animals Adjustable water spray patterns  
9 motion sensor settings**

-  **Ultra Humane**  
Does not harm the animals, it just scares them away
-  **Monitored area**  
Protects up to 650 Sq. Ft.
-  **120° detection angle motion sensor**  
Detects all pest animals as soon as they enter your property. A powerful blast of water is sprayed to keep the pest away.
-  **Easy to set up**  
Choose the area and insert the unit in to the ground where animals are roaming

## Appendix F. Best Management Practices for Bat Exclusion Work

### Overview

Bats are highly beneficial to people by consuming large numbers of insects each night during the spring, summer, and fall months and play a large role in preserving the natural balance of the ecosystem.

In 2006 a deadly fungal outbreak known as White-nose Syndrome (WNS) was identified 40 miles west of Albany New York. This disease has since spread through the mid-western and eastern United States, including south eastern Canada, and Maine.

White-nose syndrome causes hibernating bats to awaken more often during hibernation and prematurely use up fat reserves needed to survive the winter, which can lead to starvation.

White-nose Syndrome affects 5 of the 8 species of bats found in Maine. Two of these species are the Big Brown Bat (*Eptesicus fuscus*; EPFU) and the Little Brown Bat (*Myotis lucifugus*; MYLU), which are accustomed to living in buildings and are often referred to as “House Bats”. It is estimated that MYLU populations have declined by roughly 90% across their range, including populations in Maine.

Although other species of bats have been reported, it is primarily EPFU and MYLU that are seen flying around human habitation and become unwanted guests in attics, inside walls, living space, or barns and outbuildings. These species can be distinguished by their guano size. Species information is valuable, so please make the attempt to identify and report bat species on your quarterly report. This guide will assist animal damage control agents in dealing with human-bat related conflicts and serve as a reference guide for proper and time sensitive bat exclusion efforts.



# Preventing Conflicts

- The best way to get rid of bats, and the safest for bats and humans, is to exclude them.
- One-way doors (tubes, screens) allow bats to leave the roost on their own but not get back inside.
- Encourage residents to install a bat house on the property, preferably prior to exclusion. For more information about bat houses, visit bat conservation international's website at <http://www.batcon.org/resources/getting-involved/bat-houses>

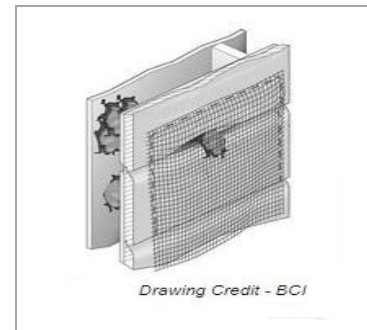
# Timeline for Exclusion

## Build Bats Out



- **Mid-October to mid-March**
- When bats should be hibernating, make sure no bats are roosting in the attic or other areas.
- Seal all potential entry holes and cracks.

## Install Exclusion Devices



- **Mid-August to mid-October**
- When young bats have learned to fly and before cold weather arrives.
- Bat proof with one-way doors.

## Build Bats Out

Down chimneys and where chimneys and other masonry meet the side of a house

Joints between window frames and house siding

Joints around large exterior beams

At building corners

Where pipes or wires penetrate the ceiling or walls in attics

Between porches or other additions and the main house

At roof edges, ridge caps, soffits, and fascia boards

Where walls meet eaves at the gable ends of an attic

In gaps under shingles.

(Bat Conservation International.)



Drawing Credit - BCI

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***Exclusions should never be done from mid-May to mid-August during the maternity season.***

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## Excluding Bats from Most Structures

(Mid-October to Mid-March)

- If possible, enter the attic during the day and look for light shining through cracks and holes.
- Insert pieces of fiberglass insulation or bits of stick in these holes to mark them for repair from the outside.
- Seal off large openings with aluminum flashing, wood, or quarter-inch mesh hardware cloth.
- Stuff small holes around pipes, cracks, and gaps in shakes and tiles with balled-up galvanized window screening, pieces of fiberglass insulation, copper Stuff-it®, or copper or stainless-steel mesh scouring pads. (Steel wool will corrode quickly after becoming wet).
- Use weather-stripping, caulk, or expandable foam, seal spaces around doors, windows, and vents.
- Replace loose boards and roofing materials.
- Close the damper in the fireplace.

## Excluding Bats – Continued

- If you use caulk or expandable foam, **apply it early in the day** so that it is set up and no longer sticky when bats inspect the area in the evening. If there are large areas to be foamed, it may be worth purchasing a foam gun of the type used in building construction.
- The advantage of caulk over foam is that it comes in a variety of colors and it is easier to apply. Before purchasing, check the label to make sure the caulk can be painted.
- Insulation blown into wall spaces may be an effective barrier, but it must be done when bats are absent to avoid trapping them in the fill.
- If bats are present, holes can also be blocked over a period of days early in the evening after the bats have left the structure to feed. Do this only from mid-August to mid-October (after the young bats have learned to fly and before cold weather arrives). Another window of opportunity occurs in early spring, before the birthing period in May.
- For several days, bat counts should be made as holes are closed, leaving the main exit open. On the night of the final count after the bats have left, the main hole should be plugged to prevent their reentry. The following evening, remove the plug to allow any remaining bats to leave before you seal the exit.

# Exclusion Devices

## Observing the Exit(s)

Identify the exit(s) bats are using. Have coworkers or residents stationed at the corners of the structure after sunset on a warm calm night. They need to be far enough away to see as much of the building as possible without having to turn their heads; it takes only a second for a bat to exit and take flight. Observers should note from which side of the house – and, on subsequent nights, exactly where – bats exit the structure. Remember that the hole can be as small as half an inch.

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*Mid-August to Mid-October (after young bats have learned to fly and before cold weather arrives), or in early spring (before birthing period in May).*

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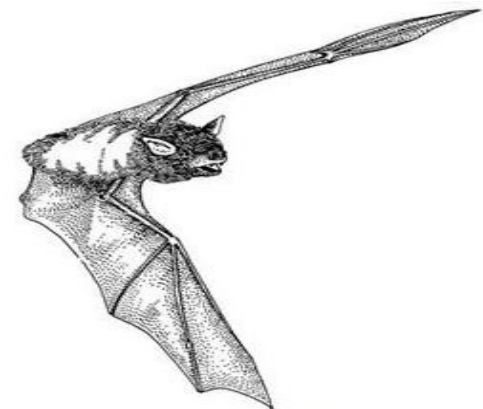
## Look for the Signs of Bat Activity

Bats often defecate when exiting and reentering a building, so look closely for rice-sized black droppings clinging to the side of the structure. If you see droppings, you will find the exit hole directly above it. (To make sure droppings are new, remove existing droppings or lay down newspaper over them to see if more appear) Bat body oils may also discolor a well-used opening.

**Seal all entry holes** but one using the methods described in Building Bats Out. Exclude bats by covering the one existing entry hole with a device that allows bats to exit the structure, but prevents them from reentering (see Figs. 1–4). Install the exclusion devices during the day and leave them in place for five to seven days (longer during particularly cool or rainy weather as bats are not as active).

When bats are using multiple openings to exit and enter, exclusion devices should be placed on each opening, unless you can be sure that all roosting areas used by the bats are connected. If all the roosting areas are connected, all but one or two exit holes can be sealed as described below. Place exclusion devices over the one or two remaining exit holes.

If the colony contains a hundred bats or more, which is common, leaving only one exit point can create a bat "log jam." In this case, some bats might look for alternative ways out of the roost area, finding their way into human-occupied areas. It is important to make sure bats are able to exit freely. If they do not appear to be exiting, or appear to be having trouble doing so, open additional exits.



*Drawing Credit - ODFW*



# Exclusion Devices – Methods and Materials

## Mesh Style One-way Door

A one-way door (Fig. 1) allows bats to exit a structure, but prevents them from reentering. Hang a sheet of construction grade plastic, screen-door material, or lightweight polypropylene netting (half-inch mesh) over the exit. Use staples or duct tape to attach the material to the building. The one-way door should extend 18 to 24 inches below the bottom edge of the opening. Leave the material loose enough to flop back after each bat exits.

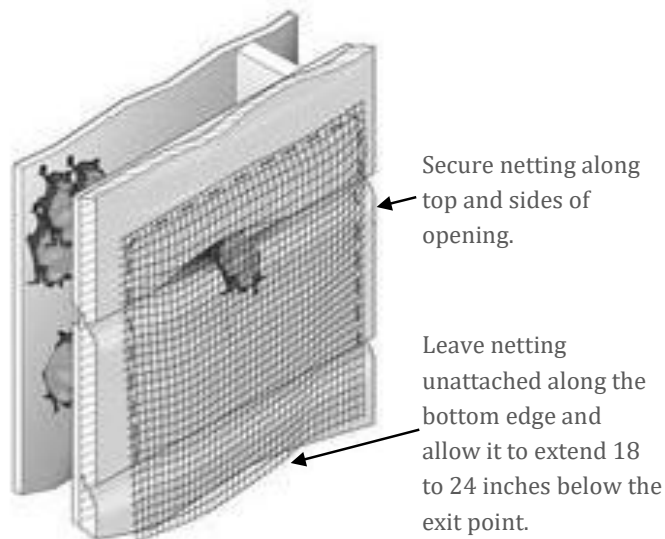


Figure 1: Drawing Credit - BCI

## One-way Tubes

One-way tubes (Fig. 2) work where one-way doors won't, such as on horizontal surfaces. A flexible pipe or cardboard tube is easy to fit into a crevice or cut to create flaps that can be fit over an opening and be stapled, nailed, or taped to a building. Do not let the tube project more than a quarter-inch into the opening to make sure that bats can easily enter the tube.

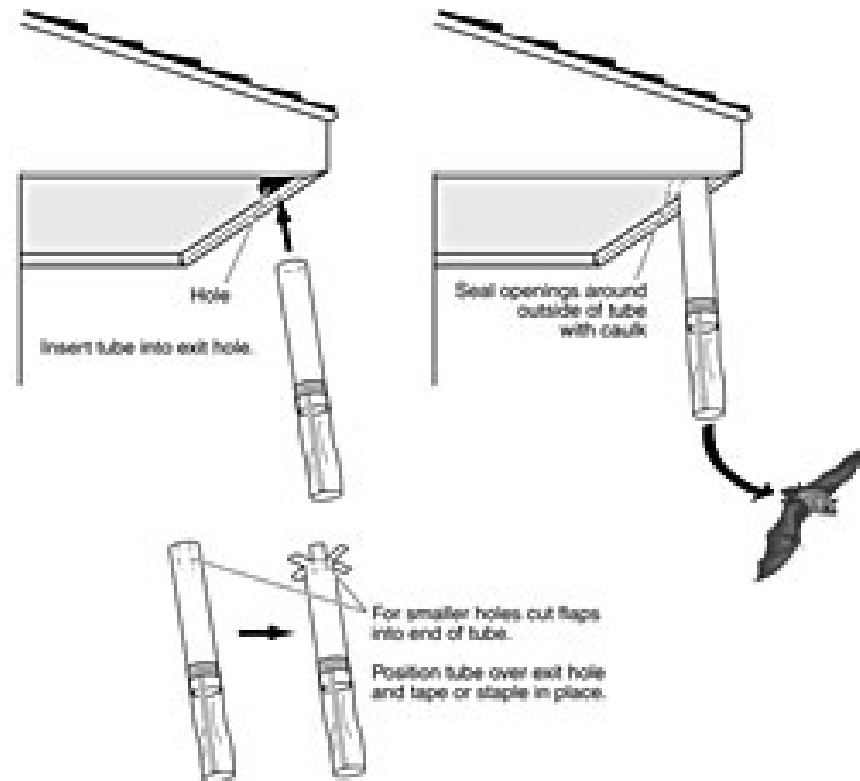


Figure 2: Drawing Credit - BCI

## Building a One-way Tube

One-way tubes should be at least two inches in diameter, 10 inches in length, and have a smooth interior so bats are unable to cling to the inside (Fig. 3). One-way tubes can be made from PVC pipe, flexible plastic tubing, empty caulking tubes, or dryer vent hose. To reduce the likelihood of bats reentering, a piece of plastic sheeting can be taped around the exit end of the tube.

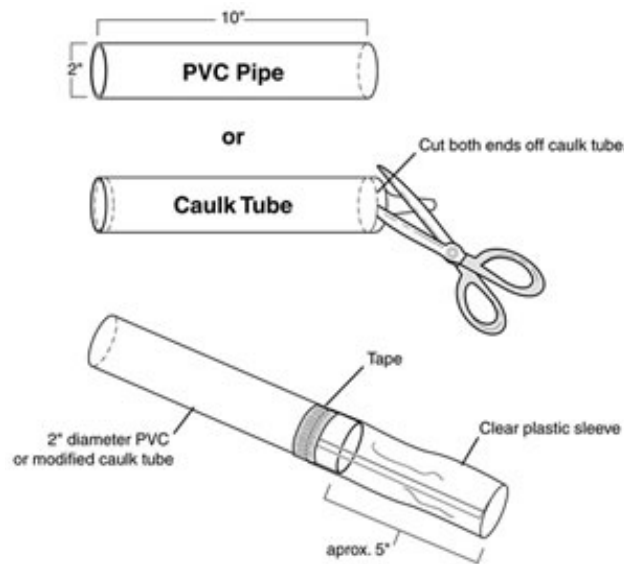


Figure 3: *Drawing Credit - BCI.*

## One-way Tubes for Lengthy Openings

Some areas have lengthy crevices used by bats. Multiple exclusion tubes will need to be placed every few feet along the length of each crevice; spaces between the tubes should be closed with heavyweight netting or other material (Fig. 4). The same procedure can be used in lengthy crevices created where flashing has pulled away from a wall.

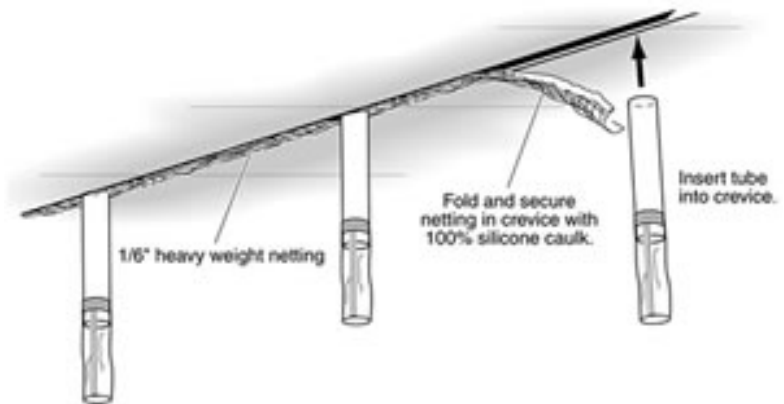


Figure 4: *Drawing Credit - BCI.*

After all bats have been excluded, remove the exclusion devices and immediately seal up the exits to prevent bats from reentering. If necessary, install a chimney cover, available from home improvement centers.

## One-way Tubes for Chimneys

- If bats are roosting inside a chimney, construct a wire cage from quarter-inch mesh hardware cloth (Fig. 5a).
- Cut holes in the sides of the wire cage and insert a modified section of two-inch PVC pipe (Fig. 5b).
- To further reduce the likelihood of bats reentering, tape a piece of plastic sheeting around the exit ends of the tube (Fig. 5c).

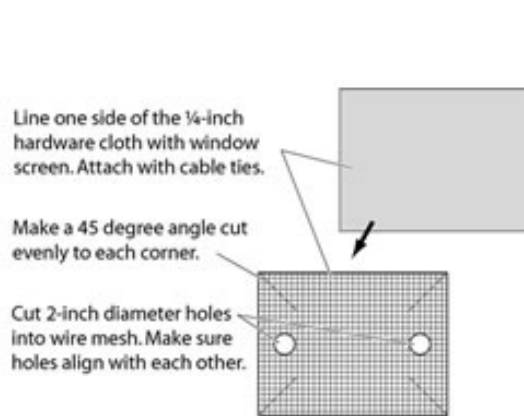


Figure 5a: Drawing Credit – BCI

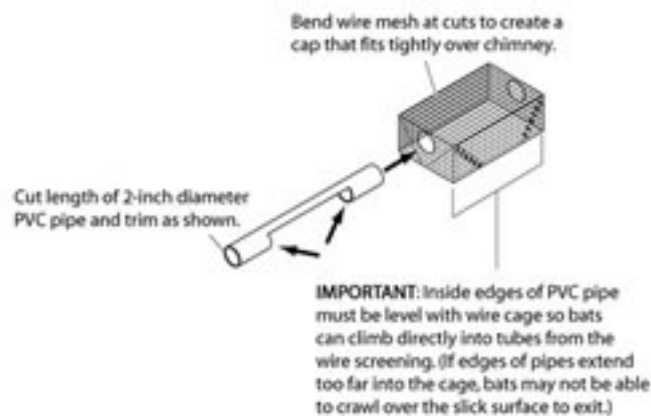


Figure 5b: Drawing Credit – BCI

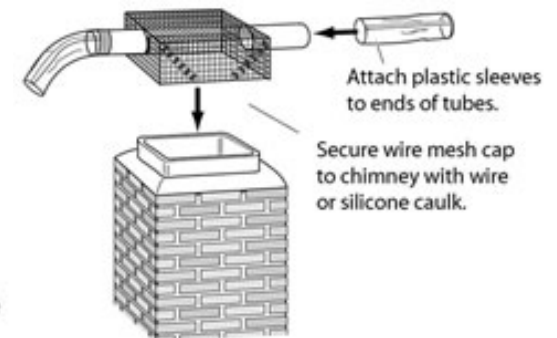


Figure 5c: Drawing Credit – BCI

## Bats Roosting Above Porches and Other Areas

Bats temporarily roost above porches or under overhangs at night to eat large prey, digest, rest, and socialize. In such cases, they may frighten humans or their dropping may accumulate.

Mylar balloons or strips of aluminum foil hung from the porch ceiling and allowed to move in the breeze may discourage bats from roosting in the area. Nontoxic aerosol sprays, designed to repel dogs and cats, can prevent bats from night-roosting in these areas; apply the spray by day when bats are not present. This treatment is reported to be effective for up to several months. (Aerosol repellents are not an adequate substitute for excluding bats that are using the area as a day roost, and should never be applied when bats are in a roost)

# Public Health Concerns

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*Don't be afraid to share your knowledge with residents and homeowners.*

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## Histoplasmosis

- Large accumulations of bat droppings may harbor histoplasmosis fungi spores, which when inhaled can result in a lung infection referred to as "histo." No histo cases have been reported in Maine, but precautions should be followed when cleaning or removing large accumulations of bat droppings. Call your local health department for recommendations.

## Rabies

- People are more often concerned about bats because of rabies, a virus that affects the nervous system of humans and all other mammals. **If you do not handle bats, your odds of contracting rabies are extremely small.**
- Rabies is spread when the saliva of an infected animal enters the body through a bite or scratch, or makes contact with the eyes, nose, mouth, or break in the skin. There is little risk of contracting rabies from a bat as long as you exercise caution. People cannot get rabies from touching bat droppings, blood, urine, or fur.
- Five to ten percent of bats that the Maine State Department of Health tests have rabies. The department estimates, however, that probably less than one percent of the native wild bat population has the disease.
- If a bat does contract rabies, it is unlikely to be a threat as long as people follow simple precautions. Most bats infected with rabies become paralyzed and fall to the ground. If you pick up a sick bat – and it bites you in self-defense – you risk contracting the disease. If you refrain from picking up a (sick) bat, you avoid exposing yourself.



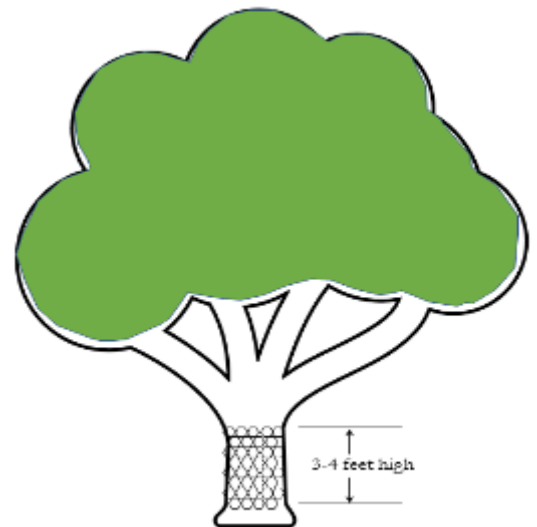
*Drawing Credit - ODFW*

## Appendix G. Best Practices for Managing Beaver Conflicts.

Beaver are an important fur resource and they provide high quality habitat benefit for many wildlife species. However, beaver can cause economic problems including flooding of structures and roads and on occasion can prevent certain fisheries from access to key resources. Beaver populations and the wetland habitat associated with them are protected resources and should be managed accordingly.

### Strategies to prevent damage to trees and shrubs around the home or camp.

- A. Wrap the tree with chicken wire or similar material up to 3-4 feet high.
- B. Make sure you attach the wire loosely, so that there is some room for the tree to grow.
- C. If you would like to blend the wire with the color of the tree, you can paint prior to application.
- D. Not all trees need to be wrapped, most of the time beavers will avoid conifers (softwood) so you won't need to wrap those unless you start seeing chewing on individual trees.



### Strategies for culvert and roadway maintenance.

In many cases, beaver do not pose a problem, if an adequate flow of water can be maintained, by modifying the drainage to control an acceptable water level, beaver may continue to occupy an area.

There are four main site conditions which should be evaluated to determine if a site is appropriate for an exclusion device:

**Habitat:** Is there preferred food items for beaver? Are 50% or more of the living trees deciduous?

**History:** Is there evidence of old dams or old beaver chewed stumps? Have there been conflicts at this site 3 times in the last 15 years? Are there standing dead trees reflecting past history of presence in the impoundment.

**Hydrology:** Is the site connected to a lake, pond, river, or major stream?

**Highway:** Is the site associated with an important travel way?

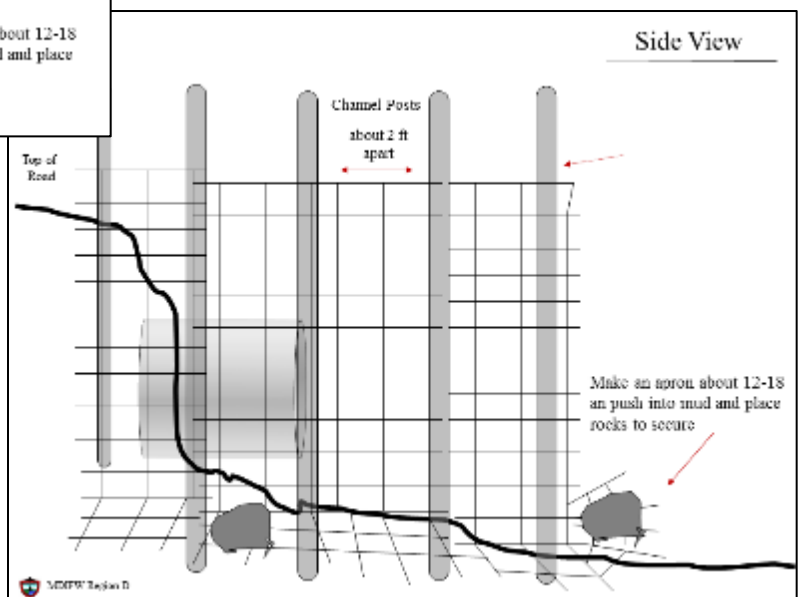
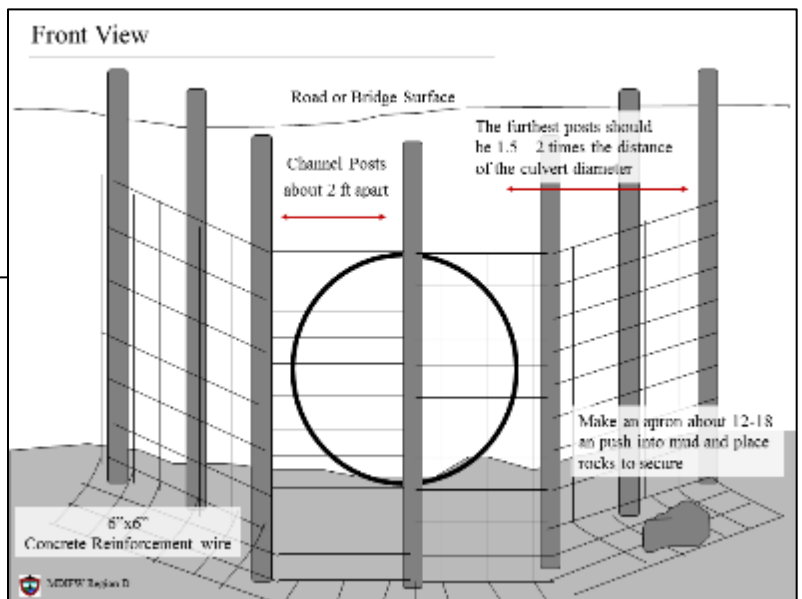
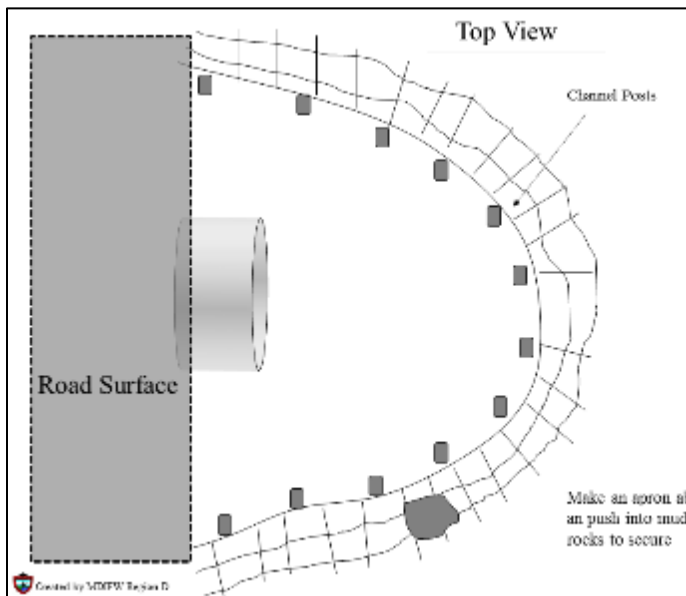
If you answered yes to 3 or 4 of these categories, probably a modification to the site around the culvert is the most effective, long-term solution to flooding and roadway maintenance, provided the structure is properly designed, installed and maintained. Landowners should be encouraged to consider one-time cost vs. repeated future actions.

There are many variations of modification and fencing to address blocked culverts, in order to provide adequate water flow. There are two basic approaches; 1) exclusion where the goal is to prevent beavers access to the culvert and build their dam where you want it and 2) water-leveling

devices, where the goal is to keep water flowing through the culvert and not impede the roadway (This technique has application to free-standing beaver dams, see below). Department personnel can provide technical advice on design and installation of exclusion and water leveling devices.

**Some example designs (these drawings can be provided at full scale):**

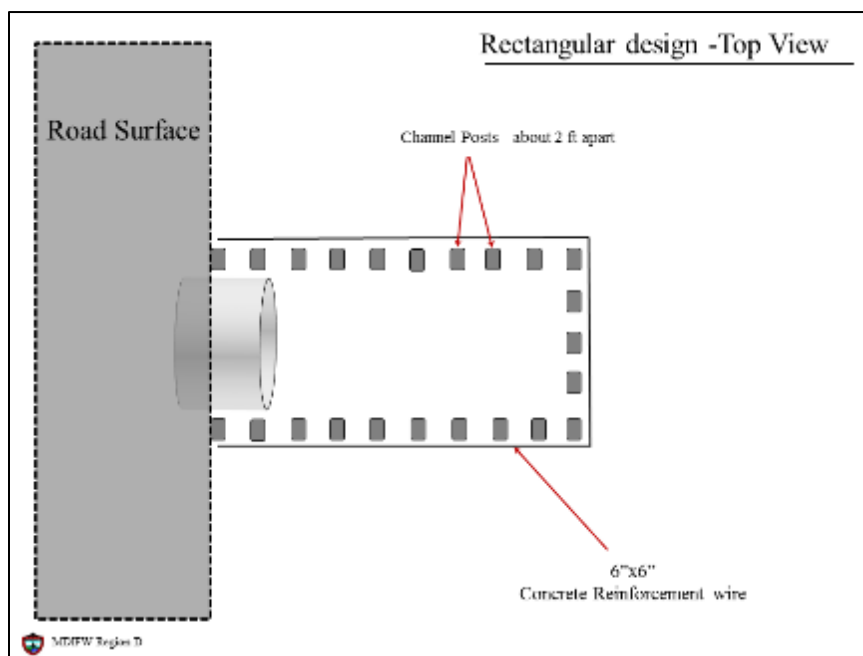
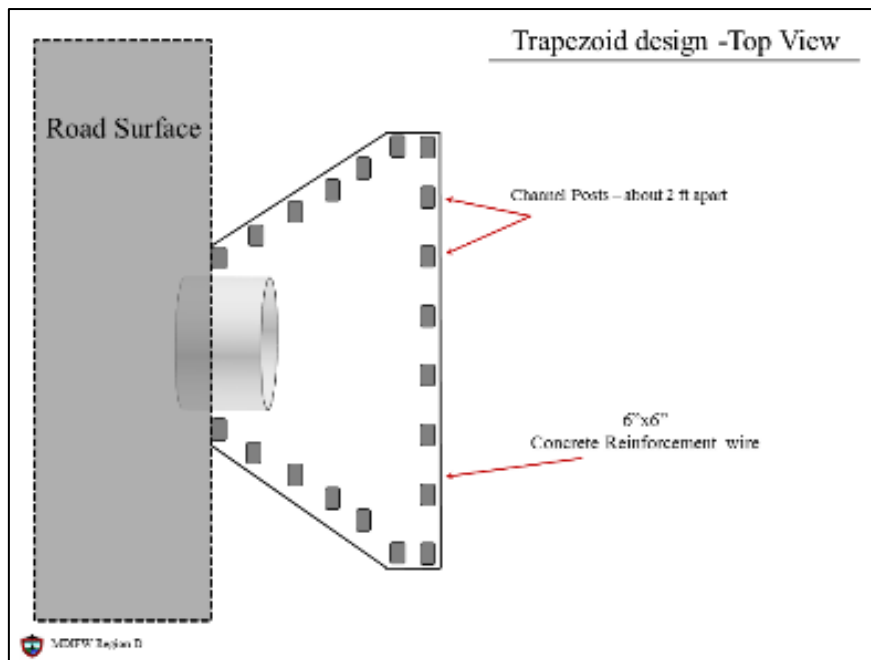
- A. Arc-style fencing around a culvert:** The goal of this design is to get the beavers to build their “dam” associated with the culvert, where you want them to build. With this design, you need to build it with enough surface area to allow adequate water flow during high water events. This is usually accomplished by creating the arc that’s lineal length along the roadside is 4x the width of the culvert, starting at either side of the culvert at least 2x the width of the culvert, and the distance out from the culvert in the center is 2-3x the width of the culvert.



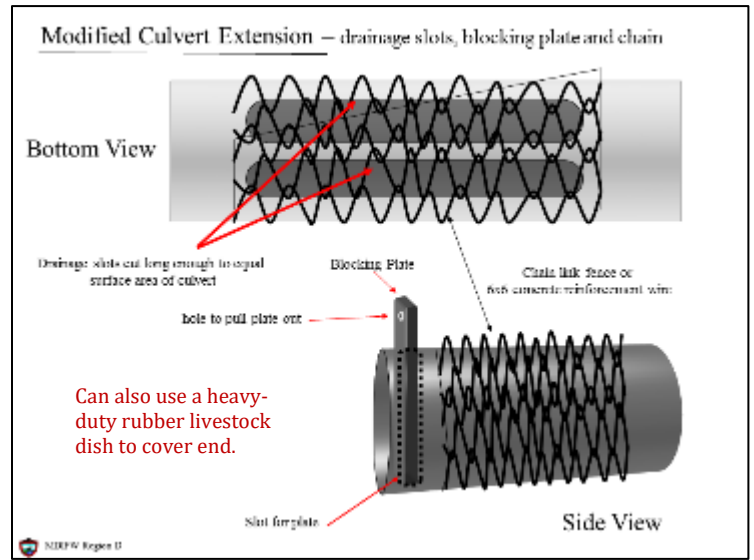
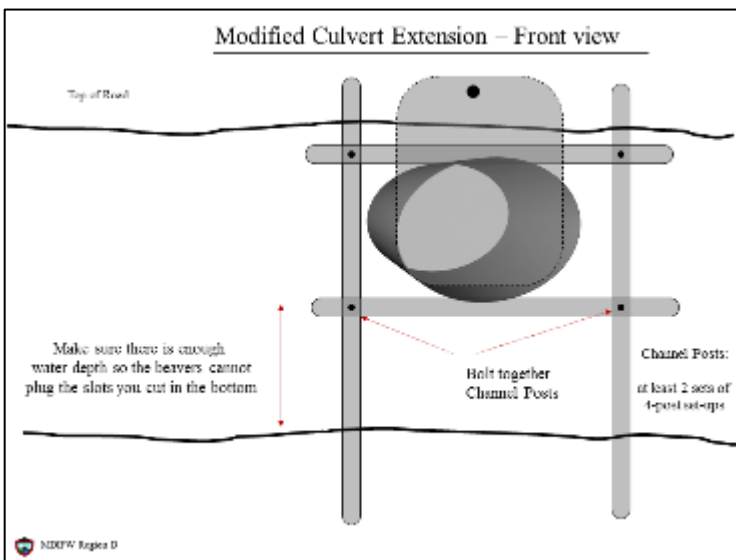
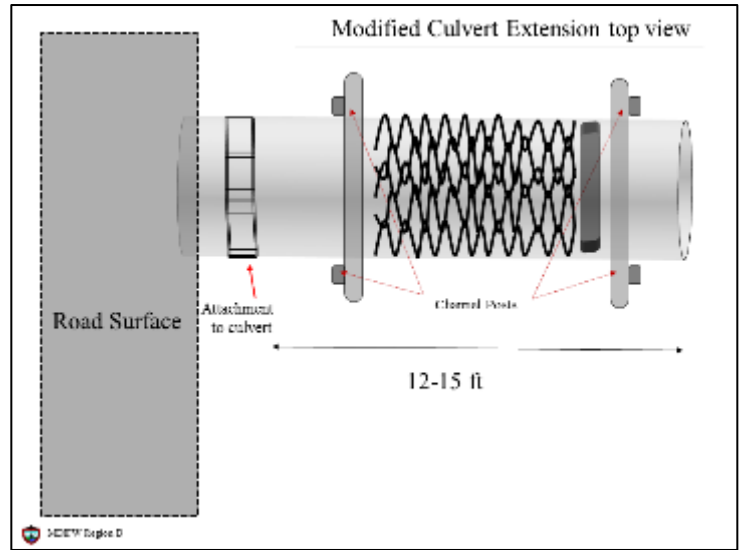
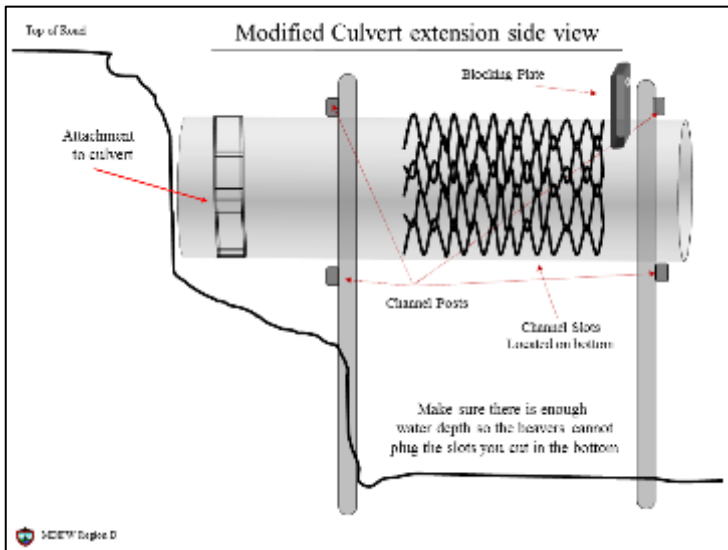
- B. Beaver Deceiver trapezoid or rectangular style:** Similar to the Arc style, this version was developed by Skip Lisle in the 1990s, however, the idea behind this design is to confuse the beaver so they don't build against the fence. The theory is that the angle and the length of the fence is confusing and too much for a beaver to build against. This design is great for a wetland that you can't afford to have the beavers build against the fence.

For a list of all Skip Lisle's products and services, visit:

<http://www.beaverdeceivers.com/index.html>



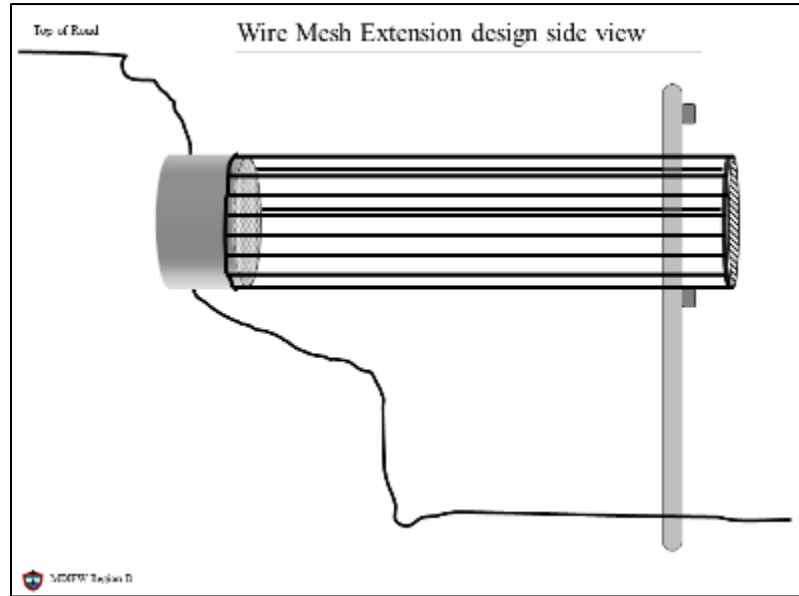
**C. Culvert Extension modified for beaver exclusion:** This version can be put in most any culvert, particularly if you have adequate drop off beyond the culvert or have the ability to use equipment to increase the water column under the end of the slotted in-take. This is typically called a “bell-shaped hole” and this deeper water column will prevent the beaver from building up sediment to block the flow of water under the culvert.



**D. Wire Mesh culvert extensions:** Similar in theory as the culvert extension, but this design is simple heavy gauge rebar or woven wire attached to the end of culvert and extending into the wetland and is harder for the beaver to plug. There are modifications of this design, where 6-inch perforated pipe is contained within the wire cylinder to make sure continued flow of water is maintained.

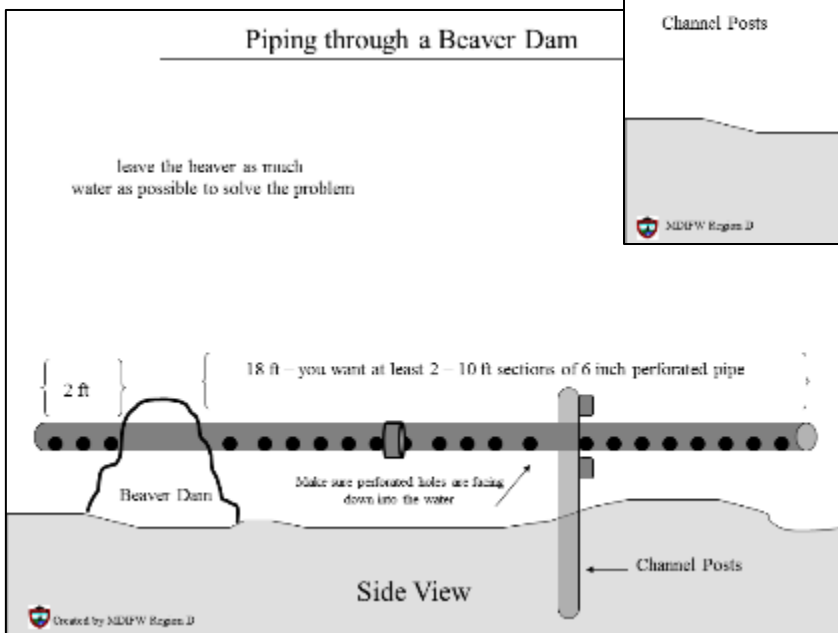
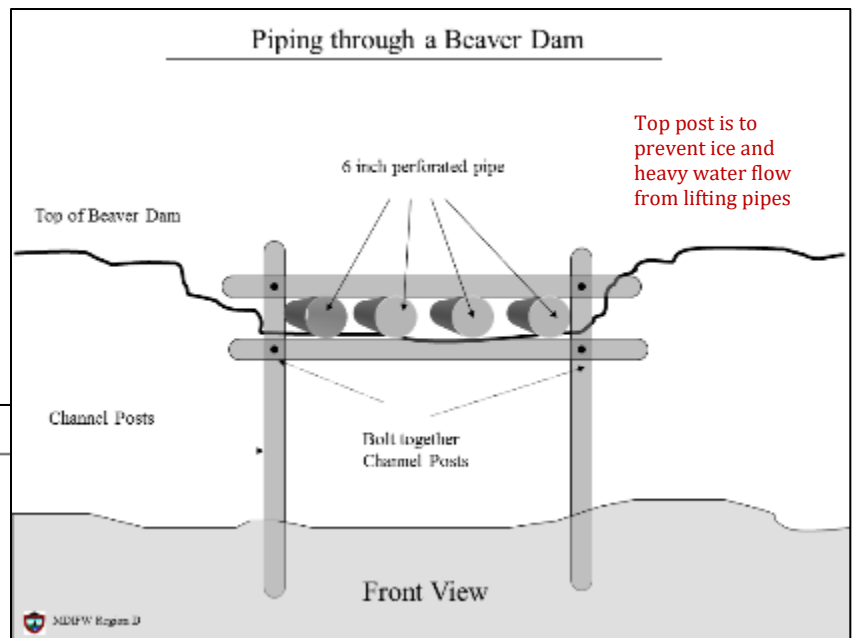
**Linwood Leavitt, [a-l-leav@midcoast.com](mailto:a-l-leav@midcoast.com) custom builds these devices.**

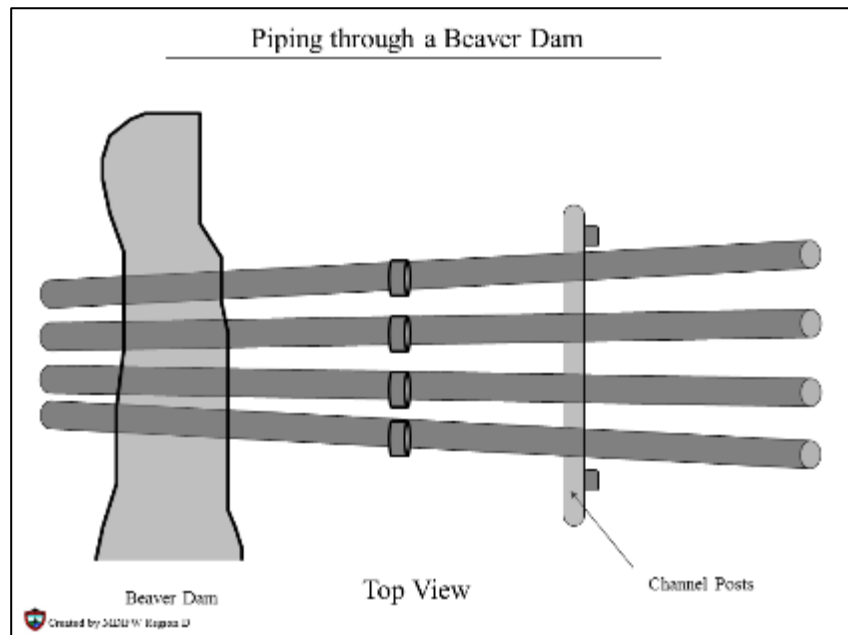




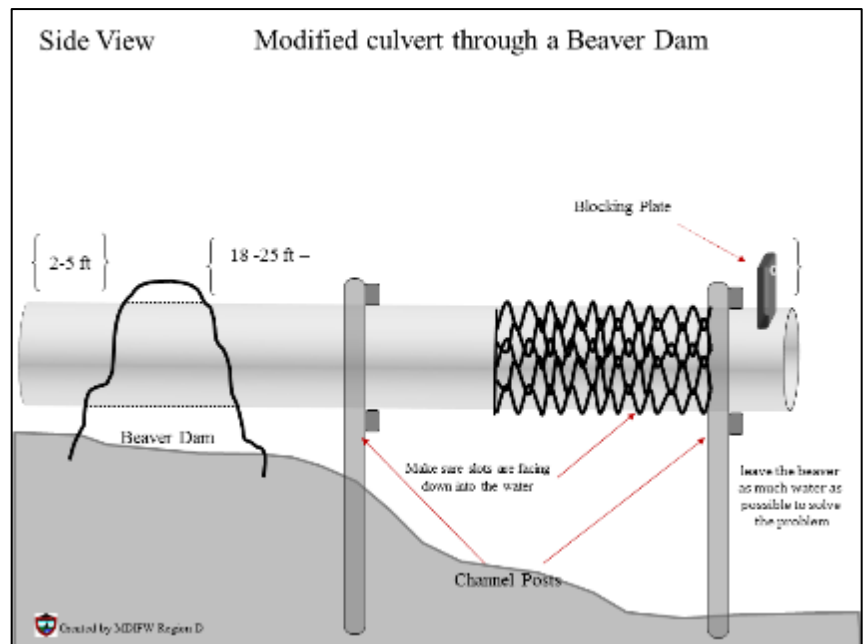
**Strategies for water level maintenance for beaver dams and ponds.**

- A. Perforated Pipes through a dam:** This design can be effective in certain situations where you have enough depth below the drainage holes on the perforated pipe.





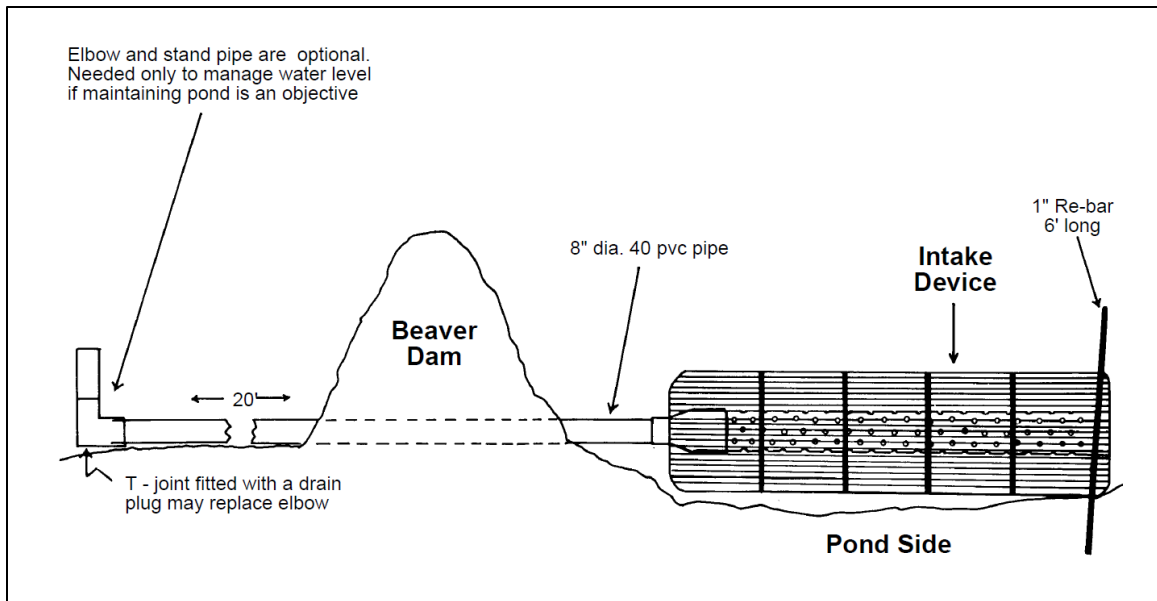
B. **Modified culvert extension through a beaver dam:** This is the same design as the modified culvert extension but using a full-length culvert (20-30 feet in length) through the dam in a similar fashion as the perforated pipes. Again, the key to the success of this design, you must have an adequate water depth, below the slots cut into the culvert, so the beaver cannot pack mud and sticks into the slots.



- C. **Clemson Leveler:** This is a water-leveling device was developed by Clemson University in the 1990s. This device is designed to be submerged under water to minimize the probability that a beaver will detect the flowing water or a normal breach in the dam with the other structures.

**For detailed information visit:**

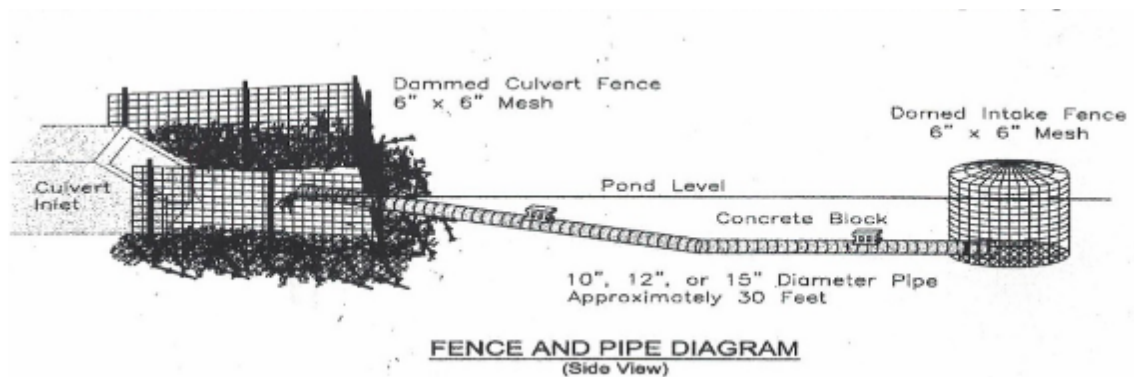
<http://www.dnr.sc.gov/wildlife/publications/pdf/ClemsonBeaverPondLeveler.pdf>



**Or alternative design by Skip Lisle**

Castor Master

<http://www.beaverdeceivers.com/index.html>

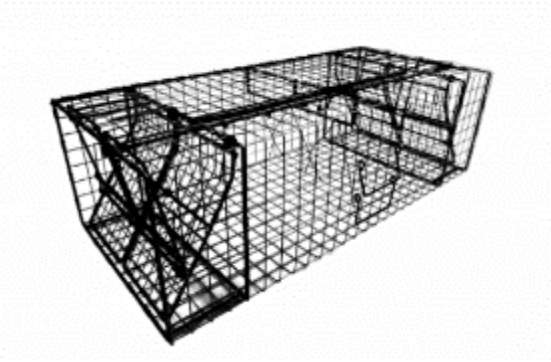


## Trap Selection and Regulations:

### Cage (box) Trap Selection:

Swim through box trap: 39"18"x12"

*(Brands like Tomahawk, Comstock)*



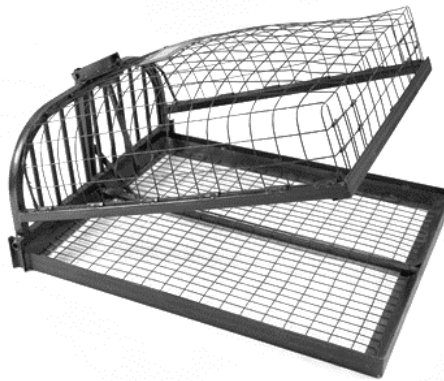
Hancock Style Trap: 39"x43"x15"

*(Brands like Koro, Bailey, Hancock)*



Drop Style: 15" x 29" x 36"

*(Brands like EZee Set)*



### Special Cage-trap regulations for beaver.

The setting of suitcase-type traps during the beaver trapping season is prohibited except, under the direct authorization of an IFW wildlife biologist or game warden as part of the department's animal damage control program. These traps must be set with the bottom portion of the trap in the water, and with the opening of the trap facing away from land.

**Foothold Trap Selection:** #3 coilspring (6" jawsread), #5 coilspring (7.25" jawsread); TS85 (8.5" jawsread), and should be used in a lethal submersion set. Must meet foothold trap restrictions (see Appendix A for specific restrictions).

**Body Gripping Traps Selection:** #220 (7"), #280 (8") or #330 (10") or equivalent, (see Appendix A for specific restrictions regarding body gripping traps)



**Figure BV11.** Bélisle™ Super X body-grip (set)

**Bait Selection:** Castor lure, fresh aspen (poplar) twig, with inner wood exposed.

**Prime Trap Location:** At the location of damage, at castor mounds, at the dam site, or near lodge.

**Other Notes:**

**Here are beaver trapping BMPs, resulting from Association of Fish and Wildlife Association trap studies:**

[https://www.fishwildlife.org/application/files/2615/2105/0542/Beaver\\_BMP\\_2016.pdf](https://www.fishwildlife.org/application/files/2615/2105/0542/Beaver_BMP_2016.pdf)



## Appendix H. BLACK BEAR CONFLICTS: Best Management Practices

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### INTRODUCTION AND BACKGROUND

Most conflicts between bears and people can be resolved by removing or securing the attractant. An attractant is any food or food odor that intentionally or inadvertently attracts a bear into backyards, fields, or towns.

The most common bear attractants are birdseed, garbage, pet/livestock feed, crops, compost, and beehives. When natural foods (vegetation, berries, nuts) are less abundant, especially in the spring, bears are often attracted to backyards and fields in search of easily accessible food. Bears may climb onto people's porches and decks where it is convenient for people to store barbeque grills, trash, and bird or pet foods. Although this can be frightening to the homeowner, these situations can often be resolved if the homeowner removes the attractant.

When bears are most active (April 1-November 1), garbage, bird feeders, pet/livestock foods, and barbeque grills should be stored in a secure building or fenced area and beehives should be protected by properly installed electric fencing. If the property owner does not take steps to remove or secure the attractant that has been identified as the source of the conflict, the Department will not shoot or move the bear, unless the bear poses a real and immediate human safety threat. In communities where conflicts are occurring, it is essential that the entire community is committed to removing bear attractants. Signs and other outreach material can be provided to communities, town offices, property managers, etc. to help reduce conflicts in coordination with a regional wildlife biologist or district game warden.

### GOALS

Prevention and documentation:

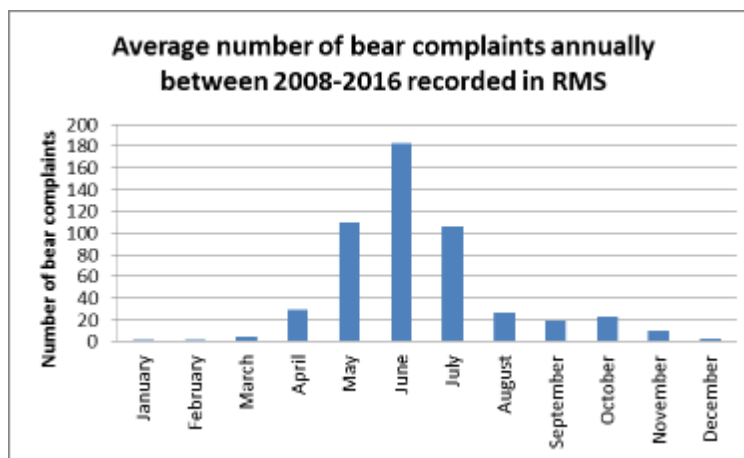
- Reduce conflicts by promoting preventative measures
- Minimize severity of conflicts (home entry, injuries)
- Monitor conflict levels and severity to inform management decisions

Staff Resources

- Provide options to insure a consistent response to bear conflicts
- Provide support to staff decisions (e.g., when the affected party wants us to do more than what is appropriate)
- For more complex situations, ensures continued coordination between wardens and biologists to determine appropriate response
- Identify training and tools needed to effectively respond

## GUIDANCE:

Most bear conflicts occur in the spring and early summer when many natural foods are not yet ripe and available. Calls of bears in backyards typically start around April 1<sup>st</sup>, when bears emerge from their dens. Typically, by August, calls of bears causing damage or conflicts diminish. Bear conflicts can continue into the fall or resurge, especially under drier conditions that can reduce the abundance or availability of berries or nut crops. The most common complaints involve bears attracted to seed around bird feeders, or getting into garbage left outside, in unsecure buildings (e.g., doors left open or ajar) or dumpsters. Bear conflicts diminish in late fall when bears enter their winter den (typically between October 1 and November 1).



Response to conflicts between black bears and people will typically follow the tiered approach outlined previously in the ADC policy, where 1) education and extension, 2) prevention, and 3) use of existing hunting and trapping regulations will be used to resolve conflicts before bears are 4) trapped, hazed or 5) killed. However, if a bear poses a real and immediate threat to human health and safety as determined by wildlife biologists or law enforcement, non-lethal or lethal removal options can be employed immediately. The procedures outlined below follow this tier approach.

## SECTION I. DETERMINING IF SAFETY IS A CONCERN

The following list identifies situations that pose a potential safety concern. Since every conflict situation is different, the current rating system is provided as a guide to identify how to respond. In order to adequately determine the appropriate response, each conflict should be investigated by Department staff to adequately assess bear behavior, severity of damage, and other contributing factors.

### **Class 1: Bears that are exhibiting or have shown behaviors that are clearly dangerous towards humans, domestic pets, or livestock including:**

- Displays unprovoked, abnormal, or aggressive behavior:
  - Does not yield to humans (i.e., does not run away from loud noises or other hazing attempts when provided an escape route).
  - Stalks or follows a person
- Bear(s) enters an occupied building, tent, etc.;
- Attacking a person, pet, or livestock
- Causing human injury or death (**SEE Bear Attack Response Guide**); or

A bear that is described as quietly stalking as they back away is often the most dangerous bear.

**Response options:** Lethal removal - After investigation to confirm severity

At this time, shooting is the only permitted lethal removal method for black bears by trained Agency Staff or other State or Municipal Law Enforcement.

**Class 2: Bears that clearly show undesirable behaviors in the presence of humans or bears that are confined to or incapable of leaving an area occupied by people.**

- Show minimal fear in the presence of humans (e.g., approach humans, unresponsive to human presence (don't runoff when yelled at)
- Are unresponsive to aversive conditioning techniques (e.g., rubber buckshot, bangers, etc.), or
- Repeatedly defeat methods of exclusion (e.g., fencing, enter structures, etc.).

These bears may not have shown aggression towards people, but may have been targeted by MDIFW staff for relocation.

- **Response options:** lethal removal, trap and transfer, hazing/aversive conditioning

Repeat offenders (determined by tags or other marks) should be considered for euthanasia.

In situations where bears are confined or are in close proximity to people, advise the caller to back slowly away from the bear, avoid getting between the bear and the bear's escape route, the attractant, or any cubs (if present).

**Class 3: Bears that favor man-made food sources**

- Bears that occasionally raid bird feeders, dumpster, or garbage cans, or disturb barbeque grills or other food attractants.
- Often behavior ceases once the attractant is removed.



- Bears may climb onto people’s porches and decks where it is convenient for people to store barbeque grills, coolers, trash, and bird or pet foods. Although frightening to the homeowner, these situations can often be resolved if the homeowner removes the attractant.

**Response options:**

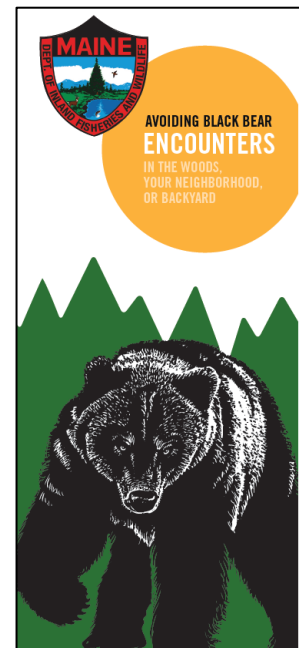
- These situations require minimal to moderate staff time.
- Technical advice often resolves the issue (See [Section II](#))
- Some situations require staff to visit the site to learn more about the problem and provided additional education and outreach.
- Attempts at hazing or aversive conditioning may be required to discourage or modify behavior.
- Repeat offenders (as determined by tags or other marks) in this class or areas identified by staff with chronic areas may be considered for euthanasia by Agency staff.

**Class 4: Bears that exhibit normal, natural behavior**

- This could include bears observed crossing a road, foraging on food in a natural setting, or traveling along natural corridors (streams, field edges, timber stands).
- Often public concerns can be satisfied with education and technical advice

**Response options:** Outreach and Education

- Advise to secure attractants to avoid future problems
- Direct them to Bear Wise [www.bearwise.org](http://www.bearwise.org) developed by bear managers in the eastern US
- Provide Department’s brochure on What to do if you Encounter A Black Bear



## SECTION II: COMMON BEAR CONFLICTS

The most common conflicts associated with black bears involve bears destroying bird feeders, getting into unsecured garbage cans or dumpsters, worrying/attacking pets/livestock, or causing damage to crops. These conflicts can involve an individual or neighborhood that have not previously encountered bears or previously had occasional problems that were often resolved when natural foods became available. These types of conflicts can involve a single or repeated visit by one or more bears. Although, these conflicts can sometimes involve significant damage to property and some public concern for safety, these types of conflicts can often be resolved with technical advice over the phone and if necessary, with a site visit. However, if attractants remain accessible to bears, they will likely return repeatedly and can eventually affect more people in the community. We included procedures for identifying and responding to these more chronic bear problems in Section II.

### • Prevention

Department staff will advise residents/landowners of ways and methods to make their property less attractive to bears. Bears are most active between April 1 and November 1 and are often attracted to backyards and fields in search of easily accessible food, especially in the spring when natural food is less abundant. The public can reduce the cost of activities that might attract bears (e.g., bird feeding, beekeeping, raising our food, storing garbage, etc.) by following the Department's recommendations before damage occurs.

- Social Media Posts to affected communities prior to complaints starting
- Press release
- [Videos](#)
- [Bear Wise Communities](#)

The agency will consider further enhancement to our outreach efforts (e.g., promotional campaign) to encourage the public to follow preventative measures before a problem occurs. This document and other resources will be updated as new tools become available.

The Department's I&E Section has developed a [social media packet](#) informing the public about what they can do to prevent conflicts with black bears. This effort will run periodically throughout the spring and summer on the Agency's Facebook, twitter and Instagram accounts. In addition, a packet for staff to share with town officials in affected communities is also available to supplement the Department's efforts. If you have a



community in your district/region that has experienced conflicts, please consider meeting with town officials to make them aware of the issue and to help communicate with those affected before they occur again (early spring).

- **Technical Assistance**

Most conflicts between bears and people can be resolved by removing or securing the attractant. An **attractant** is any food or food odor that intentionally or inadvertently attracts a bear into backyards, fields, or towns. ***The most common bear attractants are birdseed, garbage, pet/livestock feed, crops, compost, and beehives.***

The Department will work with the complainant to:

- Identify the attractant and issues related to removing or securing the attractant
- Advise on methods to secure attractants

The Department considers it to be the responsibility of the property owner to take preventative measures to protect their property from black bears. ***Between APRIL 1 – NOVEMBER 1, attractants should be removed and stored inside a secure building or fenced area.*** The [Department](#) will only move, haze, or shoot bears that pose a real and immediate human safety threat as determined by law enforcement or biologists (see [Section I](#) and [III](#)). If the property owner is willing to pay the cost of USDA WS or and ADC agent to move a bear causing damage, they must first obtain permission from the regional biologist in coordination with Warden Service (or vice versa). Permission will be granted if the damage is significant and the property owner is willing to remove/secure attractant(s).

- **Sightings:**

Although black bears are generally not aggressive animals, their presence alone may intimidate people. Seeing a bear in a back yard, neighborhood, field, or roadway often does not pose a threat to human safety. For example, a bear standing on its hind legs is not an act of aggression, but an attempt to better assess the situation. Making loud noises and movements (e.g. flapping arms/jacket) will likely scare the bear away.

Provide the complainant with information about typical black bear behavior and advise them to contact the Department if the situation escalates to a genuine conflict.

- *Bird feeders:*

Bears are attracted to bird seed.

The Department strongly recommends:

- 1) Taking down bird feeders between April 1 and November 1,
- 2) Raking up bird seed left on the ground and
- 3) Storing unused seed inside.

If a property owner chooses to feed birds, they should:

1. Bring their birdfeeders in at night,
2. Use a catch pan for seed,
3. Cleaning up all uneaten seed/seed residue from the ground each day, and
4. Store all seed inside.

Taking these actions may help reduce food odors but may not prevent a conflict or encounter with a black bear in the future. If bird feeders and seed remain out, under most circumstances, the Department will not approve the request to move a bear causing damage to their property.



- *Garbage:*

Bears are often attracted to back yards and neighborhoods by food odors associated with improperly secured trash. All trash should be stored in a secure building until the day of disposal. A secure structure has functioning doors and windows that can stay completely closed and the building is structurally sound. Several vendors provide garbage cans and dumpsters designed to prevent wildlife from opening the lids and accessing trash when stored outside. Please direct them to a regional biologist for more information. Electric fence can also deter bears from garbage or dumpster stored outside (see resources listed under [tools](#)).



Curbside trash pickup: Although it may be more convenient to bring trash to the curb the night before, the Department recommends that the property owner

- a. **Store trash inside a secure building and**
- b. **Bring trash to the curb on the morning of trash pickup.**

Dumpsters: The Department recommends:

- c. **Keeping dumpster lids and doors CLOSED and LATCHED**
- d. **If the dumpster is full before scheduled pickup, request additional pickups.**

In areas that routinely experience problems, the Department recommends:

- e. The use of bear proof dumpsters (i.e., metal top WITH A LATCH) or
- f. Using [fencing](#) to keep bears from accessing dumpsters.

If the dumpster company cannot supply a metal topped dumpster, inquire about options to retrofit the dumpster (e.g., securing with a chain or bar, piece of plywood, etc).

When towns are reviewing proposals for trash removal, recommend to towns with reoccurring bear conflicts to consider adding the option to provide bear proof dumpsters or garbage cans to the contract.

**Note:** If an individual wants to reduce garbage odor using [ammonia](#) or [bleach](#), advise them to [avoid bleach](#) as this is a hazard to sanitation workers.

- [Pet foods:](#)

Black bears can be attracted to backyards by odors associated with pet foods and will occasionally attack pets.

The Department recommends:

- Storing all pet foods in a secure building and
- Feeding pets inside.

If pets must be fed outdoors, only provide the animal with the amount of food they will eat, keep all pet dishes clean, and remove all leftover pet foods. Never attempt to separate bears fighting with pets or livestock.

- [Grills:](#)

Bears can be attracted to the food odors on outdoor grills.

After each use, the Department recommends:

1. Burning off all residual foods,
2. Removing the grease cup,
3. Covering the grill, and
4. Cleaning food scraps, blood, or grease around the grill area with ammonia.

When possible, outdoor grills should be stored in a secure building when not in use. If a bear has been attracted to a backyard grill, the homeowner should avoid grilling for several weeks.



- [Agricultural Damage-Crops:](#)

Bears will readily eat corn, berries, apples and other crops. Crops that are knocked down in a series of small circles or the presence of bear scat/tracks are signs of bear activity in a field. Damage of this type is difficult to prevent and even harder to stop once it begins. In these situations, bear(s) are often reluctant to leave fields unless forced to (see non-lethal and lethal removal options). It is often difficult to prevent bears from damaging crops and fields. However, in situations where the use of [fencing](#) is feasible, installing electric fencing can prevent damage.

- [Agricultural Damage-Livestock:](#)

Black bears occasionally attack and kill livestock. Most often these bears are attracted to the area by livestock feeds (sweet feed, corn, grain, etc.).

The Department recommends:

- Storing livestock feed inside and if possible feed livestock inside.
  - If livestock are fed outside, provide the animals with no more food than they can eat, leftover feed should be removed from feeders, and feeders should be cleaned routinely.
  - If possible, keep domestic animals inside at night and during the birthing period.
  - The use of [electric fence](#), lights, [noise makers](#) equipped with motion sensors, and the presence of a dog near livestock may also deter bears.
- [Beehives:](#)

Black bears are attracted to beehives as a potential food source. The most cost-effective technique for making hives less accessible is installing [electric fence](#) around the hive. If a bear continues to cause damage to beehives when electric fence has been used, determine if the electric fence is functioning properly by testing the voltage, power source, and continuity. If the fence is functioning properly, then there may be an issue with the installation of the fencing. Bears can and will scale adjacent trees and drop down inside the fenced area. Removing the tree may solve the problem. To prevent bears from digging under electric fence, adding an additional low hot wire or wire mesh grounding mats may solve the problem. Chain link fence equipped with a roof is an effective but costly method to exclude bears from beehives.

### SECTION III: TOOLS

- **Outreach and Education**

- Signs, Brochures, Door Hangers posted in affected communities
- Meet with town officials – joint social media campaign to alert residents
- Local media interviews

Signs and other outreach material (e.g., brochures, door hangers) are available to notify individuals, communities, town offices, property managers, etc. that conflicts are occurring and what preventative measures they can take to help reduce conflicts. Additional information is also available on the Department’s website, Facebook, blogs and YouTube Channel.



**Bears in Area**

**Prevent Problems with Bears**

**REMOVE and STORE INSIDE:**

- Bird Feeders and Bird Seed
- Garbage Cans
- Grills and Coolers
- Pet and Livestock Foods

Keep dumpster lids closed and latched

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

*Brochures:* Are available at each IFW headquarters and a printable pdf is available online at [http://www.maine.gov/ifw/wildlife/pdfs/conflict\\_bear.pdf](http://www.maine.gov/ifw/wildlife/pdfs/conflict_bear.pdf)




**AVOIDING BLACK BEAR CONFLICTS AND PROTECTING YOUR PROPERTY FROM DAMAGE**

While hundreds of bear conflicts are reported each year, many can be prevented by using a combination of securing contents, bear deterrents and posting.

**1 REMOVE & STORE INSIDE BETWEEN APRIL AND NOVEMBER 1**

**2 SECURE & CLEAN**

**BIRD SEED**

- Take bird feeders down
- Store seed and feeders indoors
- Clean out old food bins in the winter

**GARBAGE**

- Store garbage cans in a building or enclosed by electric fence
- Take to curb on morning of pickup
- Keep on the lid and get high clean closed all the time
- Flapgate lids and doors should be kept closed and latched
- Use bear-resistant dumpsters or garbage cans

**GRILLS**

- Store grill inside when not in use
- If you are having bear conflicts, stop grilling until bear moves on
- Keep off food residue
- Dispose of food wrappers and reuse items

**LIVESTOCK & PET FOOD**

- Store livestock and pet food inside
- Feed pets inside
- If you have your cats or livestock outside:
  - Clean dishes daily
  - Remove leftover food daily

For more information on black bears in Maine, please visit us online at [mainewildlife.com](http://mainewildlife.com)

- **Aversive Conditioning**

Most effective when a bear is caught in the act of causing damage, or when releasing a bear from a trap. Can be less effective for repeat offenders and should not be considered if it puts the public in danger (near roadways, other high use areas), puts staff, or the bear at risk (e.g., a bear in a tree).

Consider when:

- Bear(s) is caught in the act of causing damage
- Bear displays inappropriate behavior but not an immediate safety concern
- Bear in inappropriate place but not an immediate safety concern
- Situations where it is safe to use

***The most common hazing (one-time) or aversive conditioning (repeated) techniques used to deter bears are:***

Non-lethal ammo- Should be fired at a large muscle (shoulder/hindquarters). Can only be used by staff with appropriate training.

Can be used on a free-ranging bear or trapped bear during release.

Non-lethal Ammo	Safe Distance to Use
Rubber buck shot	15 yards
Rubber slugs Paint balls Bean Bag Rounds	25 yards

Pyrotechnics (e.g., scare shells, screamers, rockets) are designed to scare bears and should never be used to hit the animal.

- Only provide the public with pyrotechnics that do not require a federal explosives permit (i.e. Bird Bangers, Screamer Sirens).
- Any staff member who provides the public with pyrotechnics which are exempt from a federal explosives permit, must instruct the public on proper use and safety precautions.
- Pyrotechnics that require a federal explosives permit (i.e., Cracker Shells, Bird Banger Explosives)
  - May only be deployed by IF&W Staff, USDA WS, or another state or municipal law enforcement agency.
  - Must be stored and tracked following the requirements of Alcohol, Tobacco and Firearms (ATF).
- Under no circumstance are any pyrotechnic devices to be provided to persons under 18 years of age.

Live capture and handling can include

- Off-site release without hazing
- On or off-site release with hazing (non-lethal ammo and pyrotechnics)

Chemical compounds/irritants: pepper spray applied at close range to the face of the bear.



### Pursuing with hounds

- Consider roads and other safety issues
- Must receive approval from warden service or regional biologists before complainant can hire an ADC agent to run bears causing conflicts unless the dog training season/hunt season is open.

### Electric Fencing/Shock

Fencing is often an effective method for securing attractants (see [Fencing Guide](#)). Resources listed in the sidebar provide information on when fencing may be an appropriate and effective option (e.g., beehives, dumpsters, agricultural crops).

#### ***FENCING INFORMATION***

**Living with Wildlife Foundation**

[www.lwwf.org/index.php/resourceguides](http://www.lwwf.org/index.php/resourceguides)

**Portable Electric Fencing  
Guide- USDA Forest Service**

<http://www.fs.fed.us/t-d/pubs/htmlpubs/htm07232305/index.htm>

**USDA Wildlife Services  
Lease to Own Electric Fence**

**Maine Wildlife Services**

79 Leighton Road, Suite 12

Augusta, ME 04330

Phone: (207) 629-5181

**Toll Free: 1-866-4USDAWS**



- **Live Trap and Transfer**

Since bears can cause physical harm to people and significant damage to property, moving a bear may seem to be the easy solution to the problem. However, the decision to move a bear should be carefully considered since it is costly, and bears can return or cause problems elsewhere. Moving black bears can be an effective short-term solution to immediately resolve a problem where extensive damage is occurring while allowing long-term solutions (securing/removing attractant) to be established.

Often, the public perceives that capturing and moving black bears will resolve the conflict immediately and humanely. However, this option is costly, requires moving bears long distances, and does not always resolve the conflict or insure that the bear is not killed. When a bear is moved to a new area, it may cause conflicts there, but more often it will attempt to travel back to the problem area and may encounter roads or other food attractants on its way. The best action is always to remove or secure the attractant if possible.

An option to consider when:

1. Bear displays inappropriate behavior
2. Bear is in an inappropriate place
3. Other safety concerns
4. Immediately alleviate extensive damage until more long-term solutions for securing or removing the attractant can be established.

*The decision to move a bear should be coordinated between wardens and regional biologists.*

*In most situations, the cost of trap and transfer is the responsibility of the landowner.*

*However, the Department may set traps when it poses an immediate safety concern.*

**Beehives:** The Department will not move bears causing damage to beehives. The property owner can hire an ADC agent or contract USDA Wildlife Services personnel to move these bears, but they should be advised that moving bears causing damage to unprotected hives may require a sustained effort at a potentially high cost. Bear hounds have also been an effective deterrent but may require using hounds several consecutive days to deter bears from the area.

**Crops:** Although the property owner can hire an ADC agent to trap and move an offending bear, it is often difficult to bait a bear and capture it when crops are available and abundant. The use of trailing hounds has been an effective technique for deterring bears causing damage to crops. The Department can provide the property owner with a list of individuals with bear hounds to haze the bear at the landowner's expense. Installing an electrified fence may be an effective deterrent for small fields (**Fencing Guide**).

ADC agents and USDA Wildlife Services:

- Must obtain permission from the IFW Regional Wildlife Biologist or Warden to relocate a bear;

- Aldrich cable foot snares and culvert traps are permitted;
- The appropriate tool for the specific situation should be discussed among wardens, regional biologists, and the complainant.
- Foothold traps are not permitted;
- In most situations, bears will be sedated and equipped with ear tags prior to release. This requires that a regional biologist is available to sedate the bear or the complainant hires USDA – Wildlife Services.
- USDA Wildlife Services is permitted to use Aldrich cable foot snares. When set near beehives, traps must be set no more than 300 feet from a beehive;
- Moving a female bear with young cubs should be avoided. This does not refer to “cubs” that were born the previous year (yearlings). If moving a female bear with a young cub is necessary, every effort will be made to capture and move them together. If the cubs are captured after the female has been released, the cubs will be taken to a licensed wildlife rehabilitator.
- The release site will be identified by regional biological staff and will be at least 75 miles from the problem site at a location that meets species management objectives and reduces the chance for further problems at the release site.
- Department staff or USDA Wildlife Service that are trained (2-day training course every 3 years) and permitted (DEA) to administer scheduled drugs will anesthetize the bear, mark it with uniquely numbered white ear tags, and when feasible a lip tattoo prior to release. Additional training opportunities can be obtained by participating in the Department Bear Study capture efforts.
- A completed animal capture form must be filled out and sent to the Mammal Group Leader in Bangor and entered into the Chemical Immobilization database (J drive: wildlife folder). The Mammal Group Leader will provide a copy of the report to the Bear Specialist.

- **Lethal Removal**

Black bears may also be lethally removed when

- A bear's presence poses a real and immediate human safety threat as determined by Department biologists or Law Enforcement staff
- A property owner kills a bear in the act of damaging their property or threatening their pets/livestock, as permitted under Title 12 Section [§12402](#). They may legally possess the bear when properly reported (except as provided by sections [§12401](#) and 12402).
- When other options (e.g., relocation or aversive conditioning) are no longer feasible because the bear(s) may have become dependent on food associated with people (i.e., food conditioned) and/or have lost their fear of people (i.e. habituated bear).
- A Regional Wildlife Biologist or Warden may issue a depredation permit to a landowner for chronic bear problems. Disposal of the bear will be agreed upon in advance, which may include: carcass disposal, possession by the landowner, or donation to a food pantry. Department staff will advise the property owner to use the appropriately sized firearm and shot placement to make a quick and humane kill.

If a lactating female black bear is euthanized and young cubs are present, attempts to capture the cubs should be made. Orphaned cubs will be transported to a Department licensed wildlife rehabilitator with coverage for caring for black bears.

USDA Wildlife Services must obtain specific permission from a Warden or Regional Wildlife Biologist to lethally remove a black bear and are required to complete an activity report.

At this time, shooting is the only permitted lethal removal method for black bears. **Due to many unknown obstructions within buildings lethal removal as described above should be avoided in dwellings or structures except in emergency situations as determined by law enforcement.**

*Crops:* Once it has been determined that a bear is causing the damage and damage is likely to continue, the property owner, mortgagee, keeper of any orchard or growing crop (except grasses, clover or grain fields) is permitted under Title 12 M.R.S. [§12402](#) to kill bear(s) located with the orchard or crop where substantial damage caused by the bear is occurring.



*Livestock:* Although a person may lawfully kill bears that are found in the act of attacking, worrying, or wounding that person's domestic animals (see Title 12 sections [§12401](#)), securing or removing the attractant will reduce the likelihood of future problems. A person

that kills a bear to protect domestic animals must report the incident to the Maine Warden Service as provided in section [§12402](#), subsections 3 and 4.

*Beehives:* Title 12 M.R.S. [12404](#) B. provides the issuance of permit to beekeepers to protect their hives from bears and requires that:

1. The beehive is located in the immediate vicinity of a cultivated crop, commercial blueberry land or orchard;
2. The provision of the permit will apply during the time of year when the involved crops are subject to pollination;
3. Each permit must be obtained in writing from the regional wildlife biologist;
4. Any bear taken will be reported to the district warden as required by law;
5. For the use of Aldrich-style foot snares:
  - a. the landowner must hire USDA Wildlife Services or another entity that is certified to chemically immobilize captured bears
  - b. the permit will designate the town(s) where snares will be set;
  - c. the permit will designate the name of the person(s) approved to set snare(s).

- **Regulated Hunting**

If a conflict occurs within or near an upcoming open bear hunting or trapping season, Department staff can identify or direct hunters to these areas to provide a free service to the complainant and utilizes a valuable natural resource.

Some conflicts may also be addressed through changes in season lengths, methods of take, or bag limits. The Bear Project Leader will consider the number of bear conflicts in their recommendation on annual hunting and trapping regulatory changes to the Commissioner.

## **SECTION IV. CHRONIC BEAR PROBLEMS**

- History of bear problems due to anthropogenic food source
- In most situations, the food source has not been secured or removed, causing bears to become dependent on food associated with people (i.e. food conditioned) and/or have lost their fear of people (i.e. habituated bear).
- May involve 1 or more bears and often affects more than one household/property
- Not yet a safety issue but requires more staff attention to resolve the conflict and may require more aggressive response (trap and transfer, lethal removal, etc.).

### **Response Options**

In some situations, you may only need to provide technical assistance. Other situations may rise to the level where a more formal process is necessary (e.g., a written plan identifying the problem and the Department's recommendation). For communities/areas with a history of conflicts with bears and unsecured attractants, it may require implementing outreach and/or a written plan done proactively (i.e., each spring prior to conflicts starting). For these more complex conflicts, coordination between wardens and biologists is essential.

- Verbal Technical Assistance –tell the complainant to identify and advise they remove/secure attractant as described in [Prevention](#).

***It is essential that you obtain sufficient information to determine the severity of the problem. For example, a bear getting into a building where a door was left open or the door isn't able to close requires a very different response than a bear that is able to get into a secure building.***

- [Outreach](#) to affected communities – If you know an area that has a history of bear problems, proactively in the spring, begin working with the community to secure and remove potential attractants.
  - Social Media packets to town offices
  - Press release to local media outlets
  - Signs in affected communities
  - Brochures/door hangers left at residence/office
  - Meet with local pd/town managers
- Develop and Implement Written Plan - identify attractant, short-term vs. long-term expectations of homeowner, agencies' role to provide some immediate help
- Work with town officials/communities to consider following "[Bear Aware](#)" models

The Department may [haze](#), [move](#), or [destroy](#) a bear when conflicts are severe or chronic. In either situation, the property owner will be advised to remove or secure the attractant to prevent future conflicts and, if the property owner fails to remove or secure the attractant, the Department may not approve moving or destroying additional bears attracted to the property, unless the bear poses an immediate threat to human safety.

- **Comprehensive Plan for Resolving Chronic Bear Problems**

This plan can be helpful when a community or property owner is reluctant or unwilling to heed verbal advice from staff. It also can be helpful for trying to alleviate chronic problems.

The plan should involve coordination between wardens and biologists and clearly identifies the attractant, extent of the problem (number affected, duration, severity of damage, etc), impediments to securing/removing the attractant, and recommendations for alleviating the damage.

Bears involved in chronic problems will be sedated and ear-tagged with white nuisance tags in each ear by MDIFW or USDA Wildlife Services.

Since, chronic bear problems are often associated with bears having repeated access to anthropogenic food sources (garbage, bird seed, livestock, crops) and often over many years in the same area, a written plan can help document the extent of the problem, the expectations on the property owner, and Department assistance. In these situations, because the attractant has not been secured or removed, the bear(s) may have become dependent on food associated with people (i.e. food conditioned) and/or have lost their fear of people (i.e. habituated bear).

This plan may include temporary solutions to immediately reduce property damage or to address human safety concerns. The goal of this plan is to develop a long-term solution to minimize future conflicts, property damage, and risk to human health and safety.

MDIFW may assist the property owner/municipality or other responsible entity with resolving bear conflicts with the expectation that the landowner, municipality or other responsible entity will make efforts to secure or remove the attractants identified by the Department as attracting the bear to the area. A template of a written plan for chronic bear problems is provided in the sidebar.

Short-term immediate action: Department staff, or USDA Wildlife Services staff, under direction of a Game Warden or Regional Biologist may humanely dispatch bears that are determined to be habituated/food conditioned bears because these bears will likely continue to cause problems in areas where attractants are accessible and may pose a threat to human safety. In some circumstances, it may be appropriate to move bears. The determination of food-conditioned or habituated bears and response will result from consultation among Wardens and Regional Biologists involved in the complaint and the Department’s Black Bear Project Leader.

Long-term solution (can include 1 or more of the following:

## I. Chronic Bear Plan

This form serves to summarize the plan, roles and expectations by the parties involved to bring a prompt resolution to the conflict.

MDIFW staff developing plan : \_\_\_\_\_ Date: \_\_\_\_\_  
(Provide name and title)

Brief Description of problem: \_\_\_\_\_  
 \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_  
 Contact Information: \_\_\_\_\_  
 Location where conflict is occurring: \_\_\_\_\_

**Attractant**

Hives  Garbage  Birdseed  Crop  Livestock  Campground  Other

Comments: \_\_\_\_\_

**Extent of the problem**

How long: \_\_\_\_\_ Time of Year: \_\_\_\_\_  
 How many bears: \_\_\_\_\_  Repeat (cartags) or First Offender   
 Number of properties affected: \_\_\_\_\_ Number of complaints: \_\_\_\_\_

*Only check the boxes if the activity has been observed or occurred.*

<p><b>Food Conditioned</b></p> <p><input type="checkbox"/> Not foraging on abundant natural foods</p> <p><b>Habituated:</b></p> <p><input type="checkbox"/> Foraging on human food sources when people present</p> <p><input type="checkbox"/> Bear not scared off by loud noises</p> <p><input type="checkbox"/> Bear not scared by human presence</p>	<p><b>Safety Concerns</b></p> <p><input type="checkbox"/> Human Fatality</p> <p><input type="checkbox"/> Human Injury</p> <p><input type="checkbox"/> Aggressive Bear Behavior</p> <p><input type="checkbox"/> Bear confined *</p> <p><input type="checkbox"/> Home Entry</p> <p>Other: _____</p>
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**Describe Bear Behavior:** \_\_\_\_\_

\*Confined means that the bear does not have an escape route & people are present (e.g., confined by fencing, in a building, high volume roadway, etc.)

Provide Narrative on what has been done to date by property owner and/or MDIFW or their agents: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Other Comments: \_\_\_\_\_

**Long-term Plan**

The Department Advised the Landowner to:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

The Department will:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Plan provided to property owner, \_\_\_\_\_ (insert name)  
 on \_\_\_\_\_ by MDIFW \_\_\_\_\_ (insert date) (insert staff name and title)

Signature of MDIFW staff providing plan: \_\_\_\_\_

Signature of individual receiving plan: \_\_\_\_\_

A copy of the plan will be provided to town/city officials.

- **Securing Attractants:** The Department will identify the attractant and provide technical assistance and/or written material on how to secure or remove the attractant.
  - **Public education efforts:** provide public service announcement/press releases, and signage in communities experiencing chronic problems, other outreach efforts (e.g., social media posts, brochures, etc.). Promote community-based programs to obtain voluntary compliance with Department recommendations to remove or secure attractants (e.g. Bear Wise Communities),
  - **Feeding/attractant laws:** The Department may consider working with state, local, or town governments to require property owners to secure or eliminate food/food odors that may be intentionally or inadvertently attracting bears.
  - **Increase hunting opportunity to reduce local bear densities in areas with chronic problems.** If current hunting regulations or hunter participation are not sufficient to meet harvest objectives, the Department may consider a limited and directed hunt to reduce local bear densities.
- **Electric Fencing for Black Bears**

Protection of Bee Hives, Poultry, Garbage, and other applications

When properly installed, electric fence is safe for people and pets and has been proven to be the most effective tool for deterring nuisance bears. Modern electric energizers are safe for humans, animals, and vegetation. Their quick pulse rate does not produce excess heat which could cause a fire and, while unpleasant if touched, are safe for children and pets.

When an animal touches an electrified wire and the ground simultaneously they complete the circuit and receive a shock. Electricity passes through them, into the soil, to the ground rod and back to the energizer. This is known as an all-hot design because all wires are electrified and is the design recommended for bears.

Key Components:

- 1) Energizer
- 2) Grounding System
- 3) Wire (Poly tape or poly wire)
- 4) Posts
- 5) Fence Tester
- 6) Accessories: Gate handles, post insulators, safety signs, electrical tape

**Energizers:** The power source

- Energizers store energy and deliver very short pulses of electricity through fence system.
- Several styles are available including solar powered, plug in, and battery powered.
- Stored energy is measured in joules and is most important rating for animal exclusion



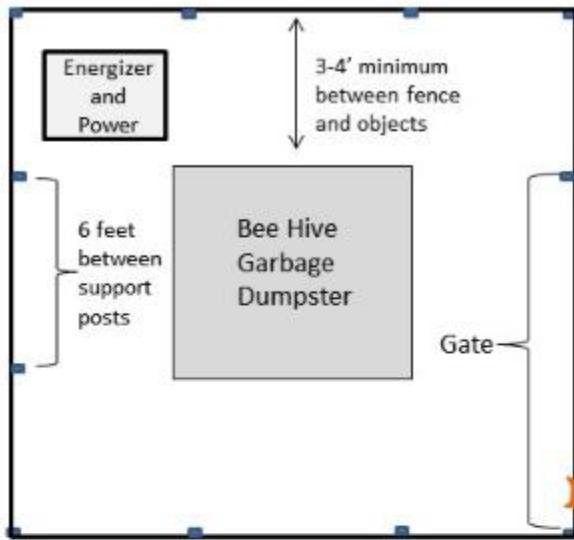
- Bears require **0.7 joules** or greater (horse 0.1 joules)

Grounding: Second most important part of the fence, without proper grounding, the fence will fail.

- Moist soils allow for adequate return of energy back to energizer
- Grounding rods - use  $\frac{1}{2}$  -  $\frac{3}{4}$  " galvanized steel rod driven to a depth of **6 ft**, and one rod per joule

#### Fence Testing and Tips

- Voltage meter tells you fence is working and the amount of current running through the wires.
- A voltage meter is different than voltage reader which just tells you if electric is running, not how much is running through the wire
- Bears require a minimum voltage of 5000 volts passing through each hot wire to be effectively deterred
- Check voltage on every hot wire weekly, especially those farthest from the energizer
- Be sure all vegetation and fallen branches are clear and be sure all hot wires are not grounded out
- If using battery powered energizer check power weekly
- Due to winter denning behavior of bears, fencing can be set up seasonally (May 1- November 1) or, depending on application, a more permanent design may be desired.



### Electric Bear Fence Design Template

Area: 18' X 18'

Power Supply : Battery powered energizer = \$80-200

Supplies: 11 - 5' Posts (\$3-5/post)

Post insulators if needed (\$16-20/batch)

Polywire 1300 ft (\$40-60)

Gate handles/anchors (\$13x4 = 52)

Ground rod galvanized 6' (\$10)

Ground clamp (\$3)

Fence signs (\$1.50 each)

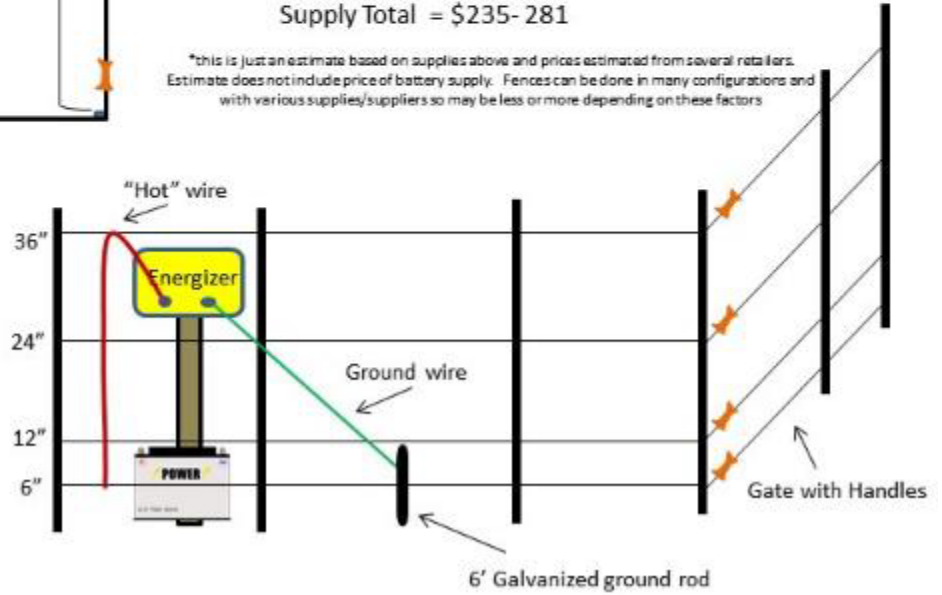
Voltage Meter (\$50)

Insulated 12 gauge "Hot" wire

Misc supplies (add \$25)

Supply Total = \$235- 281

\*this is just an estimate based on supplies above and prices estimated from several retailers. Estimate does not include price of battery supply. Fences can be done in many configurations and with various supplies/suppliers so may be less or more depending on these factors



Dumpster photo courtesy NYSDEC

## Appendix I. Electric Fencing and Electric Mat Designs and Tips.

### Electric Fencing/Matting Guidelines:

#### Exclusionary Electric Fencing

Adapted from Virginia Department of Game and Inland Fisheries

A properly installed electric fence can be an effective long-term solution to preventing damage by large mammals, and is safe to people, pets, and wildlife.

An electric fence is composed of four main elements: a charger, fence posts, wire, and the ground rod and require routine inspection and maintenance to ensure proper operation. Without a good ground, electricity will not flow through the wire and your fence will fail.

The most effective configuration for most situations is an alternating hot and ground wire fence system.

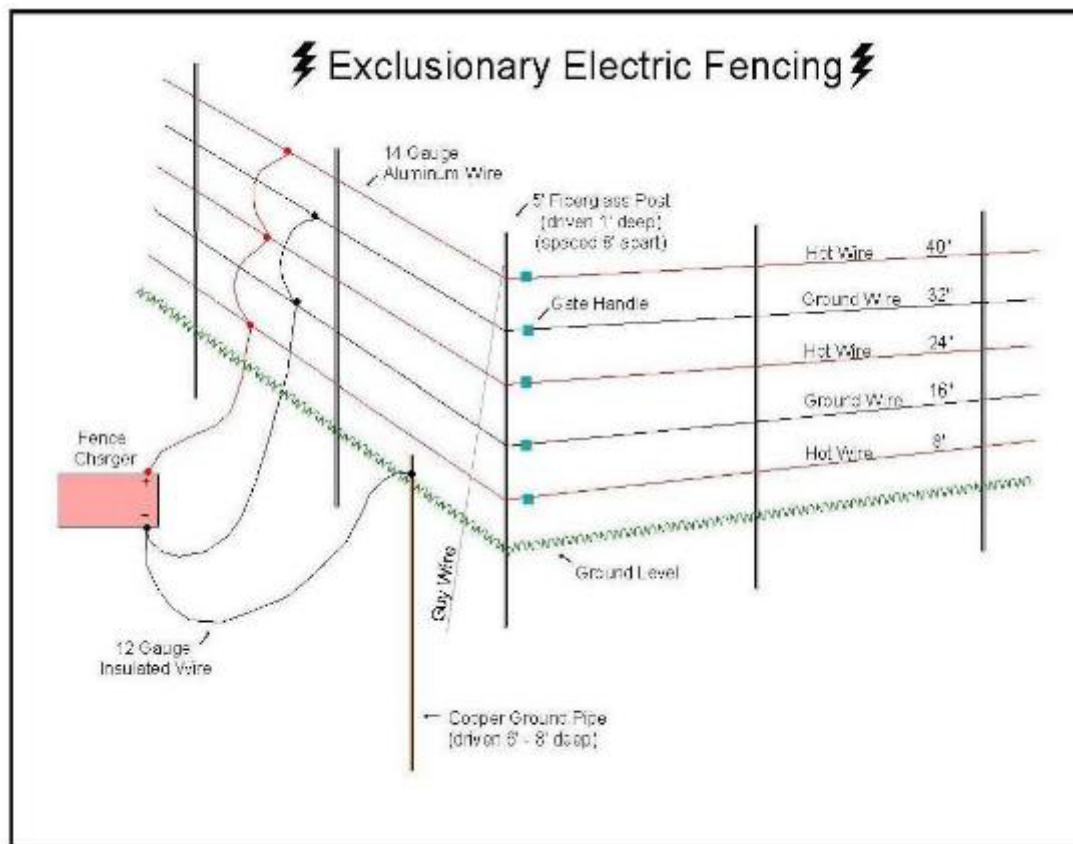


Illustration courtesy of Florida Fish and Wildlife Conservation Commission

#### Installation of Fence

1. Drive corner posts into the ground.
2. Clip, rake, and keep clear any vegetation in an 18- inch wide strip under the fence and apply herbicide.

3. Use a five-strand wire fence that is 40 inches high with wire spacing every eight inches.
4. The wire closest to the ground level (the lowest wire) should be a charged or “hot” wire and should be 6 inches from ground level. The second and fourth wire should be grounded. The third and fifth wire should be hot.
5. If using metal or wood posts, insulators must be used to keep the hot wires from grounding out.
6. Attach and stretch the wire at 8-inch increments starting 6 inches from ground level.
7. A loop of wire should be left on each wire at the first corner post.
8. Drive in posts to the same depth at 8-foot intervals between corner posts.
9. Secure each of the five wires to each of the posts with additional wire.
10. Attach a 12-gauge strand of insulated wire to the positive terminal of the fence charger and attach it to the first, third, and fifth wires of the fence.
11. Attach another 12-gauge insulated wire to the negative terminal of the charger and attach this wire to the ground pipe which has been driven into the ground 6 to 8-feet deep. Attach another 12-gauge insulated wire from the negative terminal of the charger to the second and fourth wires on the fence.

### **Tips to Improve the Effectiveness of Your Electric Fence**

- Check the battery often and make sure terminals on the charger and battery are free of corrosion.
- Make sure hot wires are not being grounded out by sticks, vegetation, broken insulators, etc.
- If fence wires have been broken and repaired, make sure wires are corrosion free where they have been spliced together.
- Also, tighten the fence at each corner post as wires that have been spliced and are loose make poor connections.
- Be sure to rake vegetation from under and around the outside of the fence as this may act as an insulator.
- To improve the ground around the perimeter of the fence add a piece of 24-inch chicken wire laying on the ground around the outside of the fence. This should be connected to the ground.
- During periods of drought, pour water down the ground pipe and around the ground pipe to improve the ground. Digging a 6-inch-deep, 6-inch diameter hole around the ground pipe and back filling with rock salt will also improve the ground. Additional ground pipes may also be added to portions of the fence farthest from the charger.
- To ensure that the bear solidly contacts the charged portion of the fence, bait like bacon strips, a can of sardines or tin foil with peanut butter may be attached to one of the hot wires. Make sure these do not contact the ground, thus shorting out the fence.
- When protecting a specific structure (like a shed or chicken coop), the fence should be placed 3 to 5 feet away from the structure (rather than on it) so that the bear encounters the fence before reaching the attractant.
- Protect the fence charger from the elements by covering it with a bucket or box.
- Place electric fence signs around the perimeter of your fence.

For protecting smaller areas, a temporary or portable electric mesh fence kit is a potential alternative. These fences can be moved or removed easily.

## **Electric Fencing Guidance for Lynx**

Lynx are currently federally listed as a Threatened species and are protected from take. Lynx sometimes worry or kill small livestock. In these situations, we work closely with the USFWS Maine Field Office and Special Agents to identify the appropriate course of action. This document serves as a guide to help protect lynx and provide immediate assistance to the landowner to resolve the issue and protect against further losses. Similar to our ADC guidance for wildlife, this document will follow a tiered approach.

Most common issues involving lynx conflicts involve poultry and small livestock. Most issues with lynx can be minimized by properly installing fencing or securing outbuildings.

Lynx involved in these types of complaints are often observed during the day and the sheer presence of humans does not often deter the animal from its quarry. People are often uncomfortable with the animal's boldness. However, lynx are generally more tolerant of human presence than other wildlife and will often not alter their behavior when a person is nearby. However, it is not normal behavior for a lynx to become aggressive towards a person or attack a person, unless the animal is cornered and approached by a person without an escape route.

### **Technical Assistance:**

When receiving a complaint about a lynx, obtain as much information about the animal id, the extent, timing, and frequency of the damage, and the structures currently in place to protect livestock from predators.

If the livestock are free-ranging, advise that they secure the animals in a building or behind a fence until the issue is resolved.

If they do not have a means to secure their livestock, provide guidance on fencing options (a site visit may also be warranted):

1. Self-Purchase and install fencing – provide pamphlet on material list and installation instructions.
2. Lease to own – provide contact information to USDA-Wildlife Services lease to own program.
3. Temporary loan – IFW in cooperation with USDA-Wildlife Services will provide fencing on a temporary basis and when appropriate help install the fence (must sign attached agreement and liability forms).

### **Site visit:**

When a lynx has killed poultry or other livestock and infrastructure is in place to protect livestock, a site visit will be necessary to identify options to better secure their animals.

When on site, collect the following information to identify the best course of action.

- Identify that a lynx is involved in losses - interview, photographs, sign (e.g. scat);
- Verify the type, timing, and extent of losses;

- Assess animal husbandry practices to identify if changes in practices can alleviate problem – (e.g., free ranging animals, location of feed, other attractants); and
- Assess quality and function of existing fencing and buildings.

Possible Solutions: The goal is to provide cost effective solutions that use available resources.

- Changes in husbandry – for example, chickens are free-ranging during the day and in a secure coop at night. Advise that chickens be kept in coop during the day until the issue is resolved.
- Modification of existing infrastructure
  - Advise to repair broken windows or doors to coops or outbuildings;
  - Test fence for proper charge, replace battery(ies) as needed; and
  - Advise on proper installation of ground rod.
- Addition of fencing - Properly installed electric fencing can be very effective at protecting livestock from predators. However, the fence needs to be adequately maintained (battery is kept charged, fence remains properly ground, damage fence or post replaced).
  - See fencing options in technical assistance section.



## Electric Fencing Temporary Loan Agreement

The Maine Department of Inland Fisheries and Wildlife (MDIFW) has assessed the report of a lynx killing livestock and has worked with the landowner to identify solutions to protect the lynx and minimize further losses. Fencing has been identified as a cost-effective solution and MDIFW, in cooperation with USDA-Wildlife Service's is providing temporary loan of electric fencing and charger unit. After the loan period, MDIFW strongly encourages the landowner to purchase and install electric fencing to protect their livestock from further losses and has provided information on fencing options to the landowner.

Livestock that will be protected by fencing: \_\_\_\_\_

Type of fencing: \_\_\_\_\_

Loan Period: \_\_\_\_\_

It is expected that the landowner will maintain the fence (insure battery is sufficiently charged, grass and other vegetation is mowed around the fence, replace broken fence, fence posts, etc.).

By signing this agreement, I (landowner): \_\_\_\_\_, agree to maintain electric fence provided by MDIFW for the time period specified above, and at such time will return the fencing (in good working condition) to MDIFW staff listed below.

Signature of landowner: \_\_\_\_\_

Name of MDIFW staff: \_\_\_\_\_

Signature of MDIFW staff: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix J. Standardized Depredation Permit Forms

STATE OF MAINE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

### DEPREDATION PERMIT: For Lethal Removal of Beaver

**ISSUED TO:****EFFECTIVE****EXPIRATION**

[insert Name,  
Address,  
Phone Number]

May X, 20XX

September 20XX

**DATE ISSUED:** April 25, 20XX

**NAME OF PRINCIPAL OFFICER:** SAME AS ABOVE

(Permit for the Lethal Removal of Beaver)

**LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED:**

This permit allows the removal of nuisance beaver in [Specify Location], WMDs (indicate WMD's involved).

**CONDITIONS OF PERMIT/METHODS OF CONTROL:****{required}**

- 1) Beaver must currently be damaging a road structure (i.e., plugged culvert/bridge, flooded road), or Municipal water supply/sewer lagoons, or > 10 acres of commercially valuable timberland.
- 2) Under MDIFW policy, site modification should be the first action taken at chronic problem sites, since the removal of beaver will create a vacancy for additional beavers to colonize, it is best to resolve the water flow problem.
- 3) This permit **does not** apply to expanding colonies/flowages that are visible from the road.
- 4) Permit holder must be the landowner or an employee of the landowner.
- 5) Permit holder must have a current [hunting or trapping] license.
- 6) [If the permit is for shooting] Only Shotgun are to be used with non-toxic shot loads.
- 7) Beavers will be removed from and disposed of properly off-site (out of view from the roadway).
- 8) A person who violates any conditions contained herein, invalidates the permit and is subject to all applicable laws.

**{Other common optional conditions}**

- Beaver traps must be set within 50' of a plugged culvert or bridge.
- Lethal removal of beaver is restricted to use of conibear and approved live suitcase or cage style traps.
- Traps must be immediately removed after nuisance complaint is resolved.
- If live traps will be used beaver will be humanely killed by shooting.
- Live traps **must be** checked every **24 hours** in both organized and unorganized townships.
- Live traps **must be** set with the bottom portion in the water and opening facing away from land.
- Beaver carcasses, castor, and pelts **cannot** be used for any other recreational or commercial activity.
- Any dead non-target wildlife (otter, muskrats, etc.) **must be** immediately turned into a Regional Wildlife Biologist or District Game Warden for disposal.
- Warden Service must be notified within 24 hours of non-target capture.
- Valid in organized towns only.



**REPORTING REQUIREMENTS:** Activity reports must be submitted on a [specify timing] basis. All non-targets must be reported within [specify timing].

**SIGNATURES:**

AUTHORIZED AGENCY REPRESENTATIVE: \_\_\_\_\_

SIGNATURE OF PERMITTEE: \_\_\_\_\_

Date: \_\_\_\_\_

COPIES TO: District Warden, Warden Section Sergeant, Regional Wildlife Biologist, File.

STATE OF MAINE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

## DEPREDATION PERMIT: For Lethal Removal of Deer

### ISSUED TO:

[insert Name,  
Address,  
Phone Number]

### EFFECTIVE

May X, 20XX

### EXPIRATION

September 20XX

**DATE ISSUED:** April 25, 20XX

**NAME OF PRINCIPAL OFFICER:** SAME AS ABOVE, if a company list primary person responsible  
(Permit for the Lethal Removal of Deer)

### LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED:

This permit allows the removal of nuisance deer in [Specify Location], in WMD [indicate WMD involved].

### CONDITIONS OF PERMIT/METHODS OF CONTROL:

#### {required}

- 1) Deer may only be shot and killed when they are located with the [orchard or crop area, choose one], or where substantial damage is occurring.
- 2) Either a buck or a doe can be taken with this permit. If a buck is taken, the antlers must be turned over to the Department, within 72 hours.
- 3) Deer can be shot during daytime or nighttime hours [can limit weapon type here]
- 4) Permit holder must be the landowner or an employee of the landowner.
- 5) Permit holder must have a current hunting license.
- 6) Upon killing deer, immediately and properly dress the carcass to care for the meat.
- 7) Within 12 hours of killing or wounding a deer, the Agency Representative issuing this permit must be notified.
- 8) Authorized persons are responsible for following all other applicable laws, such as no loaded firearms in a motor vehicle, hunting under the influence, discharge of a weapon within 100 yards of a building, shooting towards a road or house, etc...
- 9) A person who violates any conditions contained herein, invalidates the permit and is subject to all applicable laws.

#### {Other common optional conditions}

- Authorized persons may kill one (1) deer at a time, and not more than (X) deer total. When the total of (X) deer are harvested this permit will expire and the Department will re-evaluate the damages.
- The landowner may keep (X) deer, the remainder will be dressed and prepared for the Hunters for the Hungry Program.
- Upon firing a gunshot, [insert local LE] Department will be immediately notified by calling (provide phone number). Let the dispatcher know that you have a Depredation permit issued by the Department.
- The use of a spotlight is permissible.

**REPORTING REQUIREMENTS:** All deer killed or wounded must be reported to the Department within 12 hours. If no deer are taken under this permit, the permittee will notify the Department within 10 days of the expiration of this permit.

**SIGNATURES:**

AUTHORIZED AGENCY REPRESENTATIVE: \_\_\_\_\_

SIGNATURE OF PERMITTEE: \_\_\_\_\_

Date: \_\_\_\_\_

COPIES TO: District Warden, Warden Section Sergeant, Regional Wildlife Biologist, Deer Biologist, File.

STATE OF MAINE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

## DEPREDATION PERMIT: For Lethal Removal of Moose

### ISSUED TO:

### EFFECTIVE

### EXPIRATION

[insert Name,  
Address,  
Phone Number]

May X, 20XX

September 20XX

**DATE ISSUED:** April 25, 20XX

**NAME OF PRINCIPAL OFFICER:** SAME AS ABOVE, if a company list primary person responsible  
(Permit for the Lethal Removal of Deer)

### LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED:

This permit allows the removal of nuisance Moose in [Specify Location], in WMD [indicate WMD involved].

### CONDITIONS OF PERMIT/METHODS OF CONTROL:

#### {required}

- 1) Moose may only be shot and killed when they are located with the [orchard or crop area, choose one], or where substantial damage is occurring.
- 2) Either a bull or a cow can be taken with this permit. If a bull is taken, the antlers must be turned over to the Department, within 72 hours.
- 3) Moose can be shot during daytime or nighttime hours [can limit weapon type here]
- 4) Permit holder must be the landowner or an employee of the landowner.
- 5) Permit holder must have a current hunting license.
- 6) Upon killing moose, immediately and properly dress the carcass to care for the meat.
- 7) Within 12 hours of killing or wounding a moose, the Agency Representative issuing this permit must be notified.
- 8) Authorized persons are responsible for following all other applicable laws, such as no loaded firearms in a motor vehicle, hunting under the influence, discharge of a weapon within 100 yards of a building, shooting towards a road or house, etc...
- 9) A person who violates any conditions contained herein, invalidates the permit and is subject to all applicable laws.

#### {Other common optional conditions}

- Authorized persons may kill one (1) moose at a time, and not more than (X) moose total. When the total of (X) moose are harvested this permit will expire and the Department will re-evaluate the damages.
- The landowner may keep (X) moose, the remainder will be dressed and prepared for the Hunters for the Hungry Program.
- Upon firing a gunshot, [insert local LE] Department will be immediately notified by calling (provide phone number). Let the dispatcher know that you have a Depredation permit issued by the Department.
- The use of a spotlight is permissible.

**REPORTING REQUIREMENTS:** All moose killed or wounded must be reported to the Department within 12 hours. If no moose are taken under this permit, the permittee will notify the Department within 10 days of the expiration of this permit.

**SIGNATURES:**

AUTHORIZED AGENCY REPRESENTATIVE: \_\_\_\_\_

SIGNATURE OF PERMITTEE: \_\_\_\_\_

Date: \_\_\_\_\_

COPIES TO: District Warden, Warden Section Sergeant, Regional Wildlife Biologist, Moose Biologist, File.

STATE OF MAINE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

## DEPREDATION PERMIT: For Lethal Removal of Canada Goose Causing Agricultural Damage

### ISSUED TO:

### EFFECTIVE

### EXPIRATION

[insert Name,  
Address,  
Phone Number]

May X, 20XX

September 20XX

**DATE ISSUED:** April 25, 20XX

**NAME OF PRINCIPAL OFFICER:** SAME AS ABOVE, if a company list primary person responsible  
(Permit for the Lethal Removal of Deer)

### LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED:

This permit allows the removal of nuisance Canada Goose in [Specify Location], in WMD [indicate WMD involved].

### CONDITIONS OF PERMIT/METHODS OF CONTROL:

Under authorization from the US Fish and Wildlife Service; Federal Register Title 50, Chapter I - Subchapter B, Part 21, Subpart D - 21.51§ - Depredation order for Resident Canada Geese at Agricultural Facilities to the Maine Department of Inland Fisheries and Wildlife.

The depredation permit for Resident Canada Geese is subject to the following conditions:

- (1) Only landowners, operators, and tenants (or their employees or agents) actively engaged in commercial activities (agricultural producers) may act under this permit.
- (2) The permittee should use or ensure the use of nonlethal goose management tools to the extent they deem appropriate. To minimize lethal take, the permittee should adhere to the following procedure:
- (3) Assess the problem to determine its extent or magnitude, its impact to current operations, and the appropriate control method to be used.
- (4) Base control methods on sound biological, environmental, social, and cultural factors.
- (5) Formulate appropriate methods into a control strategy that uses the approach/concept that encourages the use of several control techniques rather than relying on a single method.
- (6) Implement all appropriate nonlethal management techniques (such as harassment and habitat modification) in conjunction with take authorized under this order.
- (7) Methods of take for the control of resident Canada geese;

(A) Egg oiling (March 1 – June 30 of permit year)

(B) Egg and nest destruction (March 1 – June 30 of permit year)

(C) Shotguns (May 1 – August 31 of permit year)

(8) All techniques used must be in accordance with other Federal, State, Tribal, and local laws, and their use must comply with any labeling restrictions.

(9) Persons using shotguns must use nontoxic shot, as listed in in the Federal Register Title 50, Chapter I - Subchapter B, Parl 21, Subpart D - § 20.21(j).

(10) Persons using egg oiling must use 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.

(11) Permittee and their employees or agents may possess, transport, and otherwise dispose of resident Canada geese taken under this section. Disposal of birds taken under this order may be by donation to public museums or public institutions for scientific or educational purposes, processing for human consumption and subsequent distribution free of charge to charitable organizations, or burial or incineration. Agricultural producers, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada geese taken under this section, nor their plumage or eggs. Information on birds carrying metal leg bands must be submitted to the Maine Department of Inland Fisheries and Wildlife either in writing to Kelsey Sullivan, 650 State Street, Bangor, ME 04401 or email to [kelsey.m.sullivan@maine.gov](mailto:kelsey.m.sullivan@maine.gov).

(12) Resident Canada geese may be taken only on land which an authorized agricultural producer personally controls and where geese are committing depredations to agricultural crops.

(13) The Permittee, and their employees and agents, operating under the provisions of this section may not use decoys, calls, or other devices to lure birds within gun range.

(14) Any authorized agricultural producer exercising the privileges of this section must keep and maintain a log that indicates the date and number of birds killed and the date and number of nests and eggs taken under this authorization. The log must be maintained for a period of 3 years (and records for 3 previous years of takings must be maintained at all times thereafter). The log and any related records must be made available to Federal, State, or Tribal wildlife enforcement officers upon request during normal business hours.

(15) Nothing in this section authorizes the killing of resident Canada geese or the destruction of their nests and eggs contrary to the laws or regulations of any State or Tribe, and none of the privileges of this section may be exercised unless the agricultural producer possesses the appropriate State or Tribal permits, when required. Moreover, this regulation does not authorize the killing of any migratory bird species or destruction of their nests or eggs other than Resident Canada geese.

(16) Authorized agricultural producers may not undertake any actions under this section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, agricultural producers must:

(i) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities.

**{Other common optional conditions}**

- Only shotguns, using non-toxic shot may be used to take Canada geese under this permit.
- Permittee is not to exceed a total of twenty-five (25) Canada geese and must be disposed of as outlined in the attached permit conditions.

**REPORTING REQUIREMENTS:** The Permittee must submit an annual report summarizing activities, including the numbers of birds, nests, and eggs taken, by September 30, 20XX to Kelsey Sullivan, 650 State St., Bangor, ME 04401 or [kelsey.m.sullivan@maine.gov](mailto:kelsey.m.sullivan@maine.gov). Include band numbers, if any, of birds taken under this permit.

**SIGNATURES:**

AUTHORIZED AGENCY REPRESENTATIVE: \_\_\_\_\_

SIGNATURE OF PERMITTEE: \_\_\_\_\_

Date: \_\_\_\_\_

COPIES TO: District Warden, Warden Section Sergeant, Regional Wildlife Biologist, Waterfowl Biologist, File.



STATE OF MAINE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

## DEPREDAATION PERMIT: For Lethal Removal of Bear

### ISSUED TO:

### EFFECTIVE

### EXPIRATION

[insert Name,  
Address,  
Phone Number]

May X, 20XX

September 20XX

**DATE ISSUED:** April 25, 20XX

**NAME OF PRINCIPAL OFFICER:** SAME AS ABOVE, if a company list primary person responsible  
(Permit for the Lethal Removal of Bear)

### LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED:

This permit allows the removal of nuisance Bear in [Specify Location], in WMD (indicate WMD involved).

### CONDITIONS OF PERMIT/METHODS OF CONTROL:

#### {required}

- 1) Bear may only be shot and killed when they are located within the [immediate vicinity of cultivated crop, commercial blueberry land, orchard, beehive, or human/livestock occupied buildings or dwellings choose one], where substantial damage is occurring.
- 2) Bear can be shot during daytime or nighttime hours [can limit weapon type here]
- 3) Permit holder must be the landowner or an employee of the landowner.
- 4) Permit holder must have a current hunting license.
- 5) Upon killing bear, immediately and properly dress the carcass for care of the meat.
- 6) Within 12 hours of killing or wounding a bear, the Agency Representative issuing this permit must be notified.
- 7) Authorized persons are responsible for following all other applicable laws, such as no loaded firearms in a motor vehicle, hunting under the influence, discharge of a weapon within 100 yards of a building, shooting towards a road or house, etc...
- 8) A person who violates any conditions contained herein, invalidates the permit and is subject to all applicable laws.

#### {Other common optional conditions}

- Authorized persons may kill one (1) bear at a time, and not more than (X) bear total. When the total of (X) bear are harvested this permit will expire and the Department will re-evaluate the damages.
- The landowner may keep (X) bear, the remainder will be dressed and prepared for the Hunters for the Hungry Program.
- Upon firing a gunshot, [insert local LE] Department will be immediately notified by calling (provide phone number). Let the dispatcher know that you have a Depredation permit issued by the Department.
- The use of a spotlight is permissible.

**REPORTING REQUIREMENTS:** All bear killed or wounded must be reported to the Department within 12 hours. If no bear are taken under this permit, the permittee will notify the Department within 10 days of the expiration of this permit.

**SIGNATURES:**

AUTHORIZED AGENCY REPRESENTATIVE: \_\_\_\_\_

SIGNATURE OF PERMITTEE: \_\_\_\_\_

Date: \_\_\_\_\_

COPIES TO: District Warden, Warden Section Sergeant, Regional Wildlife Biologist, Bear Biologist, File.

STATE OF MAINE  
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

## DEPREDATION PERMIT: For Lethal Removal of Wild Turkey

### ISSUED TO:

[insert Name,  
Address,  
Phone Number]

### EFFECTIVE

May X, 20XX

### EXPIRATION

September 20XX

**DATE ISSUED:** April 25, 20XX

**NAME OF PRINCIPAL OFFICER:** SAME AS ABOVE, if a company list primary person responsible  
(Permit for the Lethal Removal of wild turkey)

### LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED:

This permit allows the removal of nuisance wild turkey in [Specify Location], in WMD [indicate WMD involved].

### CONDITIONS OF PERMIT/METHODS OF CONTROL:

#### {required}

- 1) Wild turkey may only be shot and killed when they are located within the [orchard, silage bunker, barn or building worrying livestock, or cultivated crop area, choose one], where substantial damage is occurring.
- 2) Permit holder must be the landowner or an employee of the landowner.
- 3) Permit holder must have a current hunting license.
- 4) Upon killing a turkey, immediately and properly dress the carcass for care of the meat.
- 5) Within 12 hours of killing or wounding a turkey, the Agency Representative issuing this permit must be notified.
- 6) Authorized persons are responsible for following all other applicable laws, such as no loaded firearms in a motor vehicle, hunting under the influence, discharge of a weapon within 100 yards of a building without permission, shooting towards a road or house, etc...
- 7) A person who violates any conditions contained herein, invalidates the permit and is subject to all applicable laws.
- 8) Only Shotguns are to be used with non-toxic shot loads.

#### {Other common optional conditions}

- Authorized persons may kill (x) turkeys at a time, and not more than (X) turkeys total. When the total of (X) turkeys are harvested this permit will expire and the Department will re-evaluate the damages.
- The landowner may keep (X) turkeys and, the remainder will be dressed and prepared for the Hunters for the Hungry Program.
- Upon firing a gunshot, [insert local LE] Department will be immediately notified by calling (provide phone number). Let the dispatcher know that you have a Depredation permit issued by the Department.
- The use of a spotlight is permissible.

**REPORTING REQUIREMENTS:** All turkey killed or wounded must be reported to the Department within 12 hours. If no turkeys are taken under this permit, the permittee will notify the Department within 10 days of the expiration of this permit.

<p><b>SIGNATURES:</b></p> <p>AUTHORIZED AGENCY REPRESENTATIVE: _____</p> <p>SIGNATURE OF PERMITTEE: _____</p> <p>Date: _____</p>
--

COPIES TO: District Warden, Warden Section Sergeant, Regional Wildlife Biologist, GameBird Biologist, File.

## Appendix K. Depredation Order for Blackbirds and Resident Canada Geese at Agricultural Facilities

### Title 50 - Wildlife and Fisheries

Volume: 9

Date: 2018-10-01

Original Date: 2018-10-01

Title: Section Â§ 21.43 - Depredation order for blackbirds, cowbirds, crows, grackles, and magpies.

Context: Title 50 - *Wildlife and Fisheries. CHAPTER I - UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR (CONTINUED). SUBCHAPTER B - TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE AND PLANTS (CONTINUED). PART 21 - MIGRATORY BIRD PERMITS. Subpart D - Control of Depredating and Otherwise Injurious Birds.*

### § 21.43 Depredation order for blackbirds, cowbirds, crows, grackles, and magpies.

#### (a) *Species covered.*

Blackbirds	Cowbirds	Crows	Grackles	Magpies
Brewer's ( <i>Euphagus cyanocephalus</i> )	Bronzed ( <i>Molothrus aeneus</i> )	American ( <i>Corvus brachyrhynchos</i> )	Boat-tailed ( <i>Quiscalus major</i> )	Black-billed ( <i>Pica hudsonia</i> )
Red-winged ( <i>Agelaius phoeniceus</i> )	Brown-headed ( <i>Molothrus ater</i> )	Fish ( <i>Corvus ossifragus</i> )	Common ( <i>Quiscalus quiscula</i> )	
Yellow-headed ( <i>Xanthocephalus xanthocephalus</i> )	Shiny ( <i>Molothrus bonariensis</i> )	Northwestern ( <i>Corvus caurinus</i> )	Great-tailed ( <i>Quiscalus mexicanus</i> )	
			Greater Antillean ( <i>Quiscalus niger</i> )	

(a) **Conditions under which control is allowed by private citizens.** You do not need a Federal permit to control the species listed in paragraph (a) of this section in the following circumstances:

- (1) Where they are causing serious injuries to agricultural or horticultural crops or to livestock feed;
- (2) When they cause a health hazard or structural property damage;
- (3) To protect a species recognized by the Federal Government as an endangered, threatened, or candidate species in any county in which it occurs, as shown in the Service's Environmental Conservation Online System (<http://ecos.fws.gov>);
- (4) To protect a species recognized by the Federal Government as an endangered or threatened species in designated critical habitat for the species; or
- (5) To protect a species recognized by a State or Tribe as endangered, threatened, candidate, or of special concern if the control takes place within that State or on the lands of that tribe, respectively.
- (6) Each calendar year, you must attempt to control depredation by species listed under this depredation order using nonlethal methods before you may use lethal control. Nonlethal control methods can include such measures as netting and flagging, the use of trained raptors, propane cannons, and recordings.

- (c) **Conditions under which control is allowed by Federal, State, and Tribal employees.** You do not need a Federal permit to control the species listed in paragraph (a) of this section in the following circumstances:
- (1) Where they are causing serious injuries to agricultural or horticultural crops or to livestock feed;
  - (2) When they cause a health hazard or structural property damage; or
  - (3) To protect a species recognized by the Federal Government, a State, or a Tribe as an endangered, threatened, or candidate, species, or a species of special concern, including critical habitat for any listed species.
  - (4) Each calendar year, you must attempt to control depredation by species listed under this depredation order using nonlethal methods before you may use lethal control. Nonlethal control methods can include such measures as netting and flagging, the use of trained raptors, propane cannons, and recordings. However, this requirement does not apply to Federal, State, or Tribal employees conducting brown-headed cowbird trapping to protect a species recognized by the Federal Government, a State, or a Tribe as endangered, **threatened, candidate, or of special concern.**
- (d) **Ammunition.** In most cases, if you use a firearm to kill migratory birds under the provisions of this section, you must use nontoxic shot or nontoxic bullets to do so. See § 20.21(j) of this chapter for a listing of approved nontoxic shot types. However, this prohibition does not apply if you use an air rifle or an air pistol for control of depredating birds.
- (e) **Access to control efforts.** If you exercise any of the privileges granted by this section, you must allow any Federal, State, tribal, or territorial wildlife law enforcement officer unrestricted access at all reasonable times (including during actual operations) over the premises on which you are conducting the control. You must furnish the officer whatever information he or she may require about your control operations.
- (f) **Trapping conditions.** You must comply with the following conditions if you attempt to trap any species under this order.
- (1) You may possess, transport, and use a lure bird or birds of the species listed in paragraph (a) that you wish to trap.
  - (2) You must check each trap at least once every day it is deployed.
  - (3) At temperatures above 80 °Fahrenheit, the traps must provide shade for captured birds.
  - (4) Each trap must contain adequate food and water
  - (5) You must promptly release all healthy nontarget birds that you capture.
  - (6) If a federally permitted wildlife rehabilitator is within 1 hour or less of your capture efforts, you must send injured or debilitated nontarget federally protected migratory birds to the rehabilitator. If no rehabilitator is closer than 1 hour away, you may euthanize an injured or debilitated bird of a nontarget species unless the species is federally listed as an endangered, threatened, or candidate species, in which case you must deliver it to a rehabilitator and report the take to the nearest U.S. Fish and Wildlife Service Field Office or Special Agent.
  - (7) You must report captures of nontarget federally protected migratory birds in your annual report (see paragraph (i) of this section).
- (g) **Euthanasia.** Captured birds and wounded or injured birds of the species listed in paragraph (a) may only be killed by carbon monoxide or carbon dioxide inhalation, or by cervical dislocation performed by well-trained personnel who are regularly monitored to ensure proficiency.
- (h) **Disposition of birds and parts.** You may not sell, or offer to sell, any bird, or any part thereof, killed under this section, but you may possess, transport, and otherwise dispose of the bird or its parts, including transferring them to authorized research or educational institutions. If not transferred, the bird and its parts must either be burned, or buried at least 1 mile from the nesting area of any migratory bird species recognized by the Federal Government, the State, or a Tribe as an endangered or threatened species.(i) *Annual report.* Any person, business, organization, or government official acting under this depredation order must provide an annual report using FWS Form 3-202-21-2143 to the appropriate Regional Migratory Bird Permit

Office. The addresses for the Regional Migratory Bird Permit Offices are provided at 50 CFR 2.2, and are on the form. The report is due by January 31st of the following year and must include the information requested on the form.

- (j) **Compliance with other laws.** You may trap and kill birds under this order only in a way that complies with all State, tribal, or territorial laws or regulations. You must have any State, tribal, or territorial permit required to conduct the activity.
- (k) **Information collection.** The Office of Management and Budget has approved the information collection requirements associated with this depredation order and assigned OMB Control No. 1018-0146. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b). [79 FR 65601, Nov. 5, 2014]

### § 21.51 Depredation order for resident Canada geese at agricultural facilities.

- (a) **Which Canada geese are covered by this order?** This regulation addresses the control and management of resident Canada geese, as defined in § 21.3.
- (b) **What is the depredation order for resident Canada geese at agricultural facilities, and what is its purpose?** The depredation order for resident Canada geese at agricultural facilities authorizes States and Tribes, via the State or Tribal wildlife agency, to implement a program to allow landowners, operators, and tenants actively engaged in commercial agriculture (agricultural producers) (or their employees or agents) to conduct direct damage management actions such as nest and egg destruction, gosling and adult trapping and culling programs, or other lethal and non-lethal wildlife-damage management strategies on resident Canada geese when the geese are committing depredations to agricultural crops and when necessary to resolve or prevent injury to agricultural crops or other agricultural interests from resident Canada geese.
- (c) **Who may participate in the depredation order?** State and Tribal wildlife agencies in the following States may authorize agricultural producers (or their employees or agents) to conduct and implement various components of the depredation order at agricultural facilities in the Atlantic, Central, and Mississippi Flyway portions of these States: Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.
- (d) **What are the restrictions of the depredation order for resident Canada geese at agricultural facilities?** The depredation order for resident Canada geese at agricultural facilities is subject to the following restrictions:
  - (1) Only landowners, operators, and tenants (or their employees or agents) actively engaged in commercial activities (agricultural producers) so designated by the States may act under this order.
  - (2) Authorized agricultural producers should use nonlethal goose management tools to the extent they deem appropriate. To minimize lethal take, agricultural producers should adhere to the following procedure:
    - (i) Assess the problem to determine its extent or magnitude, its impact to current operations, and the appropriate control method to be used.
    - (ii) Base control methods on sound biological, environmental, social, and cultural factors.
    - (iii) Formulate appropriate methods into a control strategy that uses the approach/concept that encourages the use of several control techniques rather than relying on a single method.
    - (iv) Implement all appropriate nonlethal management techniques (such as harassment and habitat modification) in conjunction with take authorized under this order.

- (3)
  - (i) Methods of take for the control of resident Canada geese are at the State's or Tribe's discretion among the following:(A) Egg oiling,(B) Egg and nest destruction,(C) Shotguns,(D) Lethal and live traps,(E) Nets,(F) Registered animal drugs, pesticides, and repellants,(G) Cervical dislocation, and(H) CO<sub>2</sub> asphyxiation.
  - (ii) Birds caught live may be euthanized or transported and relocated to another site approved by the State or Tribal wildlife agency, if required.
  - (iii) All techniques used must be in accordance with other Federal, State, Tribal, and local laws, and their use must comply with any labeling restrictions.
  - (iv) Persons using shotguns must use nontoxic shot, as listed in § 20.21(j) of this subchapter.
  - (v) Persons using egg oiling must use 100 percent corn oil, a substance exempted from regulation by the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act.
- (4) Authorized agricultural producers and their employees and agents may conduct management and control activities, involving the take of resident Canada geese, under this section between May 1 and August 31. The destruction of resident Canada goose nests and eggs may take place between March 1 and June 30.
- (5) Authorized agricultural producers and their employees and agents may possess, transport, and otherwise dispose of resident Canada geese taken under this section. Disposal of birds taken under this order may be by donation to public museums or public institutions for scientific or educational purposes, processing for human consumption and subsequent distribution free of charge to charitable organizations, or burial or incineration. Agricultural producers, their employees, and designated agents may not sell, offer for sale, barter, or ship for the purpose of sale or barter any resident Canada geese taken under this section, nor their plumage or eggs. Any specimens needed for scientific purposes as determined by the Director must not be destroyed, and information on birds carrying metal leg bands must be submitted to the Bird Banding Laboratory by means of a toll-free telephone number at 1-800-327-BAND (or 2263).
- (6) Resident Canada geese may be taken only on land which an authorized agricultural producer personally controls and where geese are committing depredations to agricultural crops.
- (7) Authorized agricultural producers, and their employees and agents, operating under the provisions of this section may not use decoys, calls, or other devices to lure birds within gun range.
- (8) Any authorized agricultural producer exercising the privileges of this section must keep and maintain a log that indicates the date and number of birds killed and the date and number of nests and eggs taken under this authorization. The log must be maintained for a period of 3 years (and records for 3 previous years of takings must be maintained at all times thereafter). The log and any related records must be made available to Federal, State, or Tribal wildlife enforcement officers upon request during normal business hours.
- (9) Nothing in this section authorizes the killing of resident Canada geese or the destruction of their nests and eggs contrary to the laws or regulations of any State or Tribe, and none of the privileges of this section may be exercised unless the agricultural producer possesses the appropriate State or Tribal permits, when required. Moreover, this regulation does not authorize the killing of any migratory bird species or destruction of their nests or eggs other than resident Canada geese.
- (10) States and Tribes exercising the privileges granted by this section must submit an annual report summarizing activities, including the numbers and County of birds, nests, and eggs taken, by December 31 of each year to the Regional Migratory Bird Permit Office listed in § 2.2 of this subchapter.
- (11) Nothing in this section applies to any Federal land without written permission of the Federal agency with jurisdiction.



- (12) Authorized agricultural producers may not undertake any actions under this section if the activities adversely affect other migratory birds or species designated as endangered or threatened under the authority of the Endangered Species Act. Persons operating under this order must immediately report the take of any species protected under the Endangered Species Act to the Service. Further, to protect certain species from being adversely affected by management actions, agricultural producers must:
- (i) Follow the Federal-State Contingency Plan for the whooping crane;
  - (ii) Conduct no activities within 300 meters of a whooping crane or Mississippi sandhill crane nest; and
  - (iii) Follow all Regional (or National when available) Bald Eagle Nesting Management guidelines for all management activities.

**(e) *Can the depredation order be suspended?*** We reserve the right to suspend or revoke a State, Tribal, or agricultural producer's authority under this program if we find that the terms and conditions specified in the depredation order have not been adhered to by that State or Tribe. Final decisions to revoke authority will be made by the appropriate Regional Director. The criteria and procedures for suspension, revocation, reconsideration, and appeal are outlined in §§ 13.27 through 13.29 of this subchapter. For the purposes of this section, "issuing officer" means the Regional Director and "permit" means the authority to act under this depredation order. For purposes of § 13.29(e), appeals must be made to the Director. Additionally, at such time that we determine that resident Canada geese populations no longer pose a threat to agricultural crops or no longer need to be reduced in order to resolve or prevent injury to agricultural crops or other agricultural interests, we may choose to terminate part or all of the depredation order by subsequent regulation. In all cases, we will annually review the necessity and effectiveness of the depredation order.

**(f) *Has the Office of Management and Budget (OMB) approved the information collection requirements of the depredation order?*** OMB has approved the information collection and recordkeeping requirements of the depredation order under OMB control number 1018-0133. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. You may send comments on the information collection and recordkeeping requirements to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b). [71 FR 45989, Aug. 10, 2006, as amended at 79 FR 43966, July 29, 2014]

**Appendix L. MDIFW Wildlife Health Surveillance Plan.**

**[MDIFW Wildlife Health Surveillance Plan](#)**



**MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**Northeast Wildlife Disease Cooperative**

**September 2017**

**Version 2**

## **Appendix M. Rabies Information, Submission Forms and Important Links**

Rabies is a disease caused by a virus that is deadly to humans and any mammal. While all mammals are susceptible to rabies virus, the following species have a higher likelihood of infection, act as reservoirs for the disease, and require greater caution when handling: woodchuck, raccoon, skunk, coyote, red fox, gray fox, and bats. Once inside the body, the rabies virus infects nerve cells and spreads to the brain causing nerve and brain damage. An infected animal can spread rabies by biting another animal or human. The virus can also be spread if saliva or tissue from the brain or spinal cord gets into broken skin or the mouth, nose or eyes. These are called rabies exposures. Rabies is not spread by petting the fur of a rabid animal. It is not spread by blood, urine, feces, or by touching dried saliva of a rabid animal. It is also not spread by skunk spray. If not treated, rabies is almost always deadly but treatment works if given right away.

For more information about Rabies, visit the Maine CDC:

<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/zoonotic/rabies/>

or you can download the most current version of Rabies Management Guidelines, which is a great truck-guide and has a vast amount of information about Rabies and Rabies related issues.

<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/zoonotic/rabies/documents/2017-Maine-Rabies-Management-Guidelines-4th-edition.pdf>

The following page includes the Rabies Submission form:



Maine Center for Disease  
Control and Prevention  
An Office of the  
Department of Health and Human Services

Health and Environmental Testing Lab  
221 State Street, Station 12  
Augusta, ME 04333  
Tele: 207-287-1706 Fax: 207-287-8925  
After hours: 1-800-821-5821

Laboratory Use:  
Lab #: \_\_\_\_\_ Date: \_\_\_\_\_  
Time Rec'd: \_\_\_\_\_ Entered by: \_\_\_\_\_

## Rabies Submission Form

**COMPLETE ALL SECTIONS**

Submission form completed by: Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Do you want a phone call and/or email with the test results?  Call  Email  Neither Email address: \_\_\_\_\_

### Section 1: Submitter Information

Send Report To/ Submitter: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Do you want a phone call and/or email with the test results?  Call  Email Email address: \_\_\_\_\_

### Section 2: Rabies Suspect Information

**Animal to be tested:**

- Bat  Raccoon
- Cat  Skunk
- Dog  Fox
- Other \_\_\_\_\_

The animal was:  Stray  Wild  Unknown  Owned

If Owned, Rabies Vaccination Status:  Current  Not Current  Unvaccinated  Unknown

Owner's Name: \_\_\_\_\_

The animal:  Died on its own  Euthanized  Alive  Unknown

**Livestock Use Only:**

Age: \_\_\_\_\_

Gender: \_\_\_\_\_

Breed: \_\_\_\_\_

Animal Symptoms:  Aggression  Paralysis  Seizures  Disorientation  
 Ataxia (falling over)  Drooling  Lethargy  None

Animal was from: Town: \_\_\_\_\_

County: \_\_\_\_\_

### Section 3: Exposure Information

	Name, Address and Phone Number (Human exposed or owner of animal exposed)	Date of Exposure	Type of Exposure
Animal <input type="checkbox"/> Human <input type="checkbox"/>			<input type="checkbox"/> Bite <input type="checkbox"/> Scratch <input type="checkbox"/> Handling <input type="checkbox"/> Unknown
Animal <input type="checkbox"/> Human <input type="checkbox"/>			<input type="checkbox"/> Bite <input type="checkbox"/> Scratch <input type="checkbox"/> Handling <input type="checkbox"/> Unknown
Animal <input type="checkbox"/> Human <input type="checkbox"/>			<input type="checkbox"/> Bite <input type="checkbox"/> Scratch <input type="checkbox"/> Handling <input type="checkbox"/> Unknown

Exposure Details: \_\_\_\_\_  
\_\_\_\_\_

**FOR HETL USE ONLY**

FA Result: \_\_\_\_\_ Reported by: \_\_\_\_\_ Date: \_\_\_\_\_

Results Called to: \_\_\_\_\_ Time: \_\_\_\_\_ Tech: \_\_\_\_\_

## Guidelines for Submitting Specimens for Rabies Testing

### I. Testing Criteria

1. Animals under suspicion of rabies that potentially exposed a human or domestic animal to its saliva or neural tissue are tested free of charge at HETL as part of statewide surveillance.
2. If there is no exposure, members of the public may request rabies testing at a cost of \$150.00.
3. For consultation to determine if testing is necessary for public health purposes, contact the Division of Infectious Disease Epi-on-Call at **1-800-821-5821**.

### II. Specimen Preparation

1. Bats- HETL accepts live bats, please indicate on the submission form if the bat is still alive. If a bat requires testing, the entire body should be submitted.
2. Domestic and wild animals (with the exception of bats)- animals submitted for testing must be euthanized. HETL does not have the facilities to process large carcasses and they will not be accepted or tested. HETL asks that animals be decapitated by a veterinarian or trained personnel.
3. Safety - always handle the specimen with waterproof gloves and proper protective equipment to prevent an accidental exposure.

### III. Packaging

1. If the specimen has sharp protruding parts (i.e., porcupine quills or shattered bones), wrap the specimen in several layers of newspaper.
2. Place the specimen in two leak proof plastic bags that are closed securely.
3. The double bagged specimen should then be placed in a box (cardboard or Styrofoam) along with refrigerant packs (**please do not use ice**) and closed securely with tape. This provides more support and allows for easier handling and labeling of the specimen. Neither the container nor animal can be returned once testing is complete.
4. Complete the Rabies Submission Form (include a complete mailing address) and attach it to the exterior of the container. An easy way to do this is placing the form in an envelope and taping that to the container.
5. If no exposure occurred and testing is still requested by the public, a payment of \$150.00 must be provided when the specimen is submitted at HETL. The payment can be cash or check (made out to "Treasurer of the State").

### IV. Transportation and Delivery of Specimens

1. The specimen can be sent by: Uniship- 207-848-7546, FedEx- 1-800-762-3725, General Courier- 207-767-6004, or a personal carrier such as ACO, Game Warden, or a person involved with the incident.
2. All transportation fees must be prepaid, and the sample should arrive at HETL within one day.
3. Specimens can be delivered at HETL Monday-Friday from 7:30 am -5:00 pm. For after-hours delivery, contact Capital Security (207-287-4357) for admittance. A phone is available inside the main entrance of the DHHS building at 221 State St.

### V. Test Results

1. For specimens that are received prior to 9:00 am Monday-Friday, results are typically available by late afternoon of the same day. The primary person listed on the submission form ("Send Report to:") is informed of test results by phone, along with persons exposed or the owner of a domestic animal that was exposed. In the event of a positive test, public health officials are involved and advise involved persons of necessary measures to prevent the spread of rabies.
2. Specimens that are received after 9:00 am will typically have results available the following business day.
3. Urgent requests are handled on a case-by-case basis by calling 1-800-821-5821.

## Appendix N. AVMA Guidelines for the Euthanasia of Animals

### AVMA Guidelines for the Euthanasia of Animals: 2013 Edition

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## **Appendix O. Wildlife Damage Management Code of Ethics**

1. Strive to strictly follow all laws, regulations, and policies pertaining to wildlife damage management.
2. Behave in a professional manner that embodies the traits of honesty, sincerity, and dedication.
3. Treat people, property, and wildlife with great deal of concern and respect.
4. Promote the appreciation and understanding of the values of wildlife and sound scientific management, while respecting the economic and health concerns of the customer.
5. Be sensitive to differing viewpoints of wildlife damage management.
6. Promote competence and present an image worthy of the profession by supporting high standards of education, employment and performance.
7. Strive to broaden knowledge skills and abilities to advance the practice of wildlife damage management.
8. Attempt to resolve wildlife damage conflicts with the most humane, selective, practical, and effective management techniques available.
9. Treat competition and clients in a courteous manner and in accordance with honorable business practices.
10. Encourage clients, co-workers, and other involved in the situation to adhere to this code of ethics.

***Adapted from National Wildlife Control Training Program and National Wildlife Control Operators Association***



## Appendix P. Incident Report Form

Form also available [here](#):

### MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

284 State Street, 41 SHS Augusta, ME 04333

Phone 207-287-5252/Fax 207-287-6395

### Incident Report Form

*In accordance with the provisions of MDIFW Chapter 27 rules for an animal damage control agent certificat, the following document shall be submitted in order to file a formal complaint or document a violation of policy, rules or law regarding wildlife in captivity.*

#### Information about the Incident

<b>Date incident occurred:</b>	<b>Time:</b>
<b>Location of incident</b> (list facility and permittee name, if known):	
<b>Type of incident being reported:</b>	
<input type="checkbox"/> Inappropriate Language/Behavior <input type="checkbox"/> Unsafe practices <input type="checkbox"/> Inhumane treatment of wildlife <input type="checkbox"/> Failure to report	
<input type="checkbox"/> Personal conflict <input type="checkbox"/> Poor Business practices <input type="checkbox"/> Inappropriate possession of wildlife	
<input type="checkbox"/> Other (Please indicate):	
<b>Detailed description of incident</b> (what happened, how it happened, factors leading to the event, species involved etc...):	
<b>Were there any other witnesses or people involved?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No (please list name, address and phone numbers if possible):	

Submitter Information	
<b>Individual submitting report</b> (print name):	
<b>Date submitted:</b>	<b>Submitter Contact information:</b> Phone (    ) _____
<b>Report by Submitter is:</b>  <input type="checkbox"/> First-hand  <input type="checkbox"/> Third-party	Email: _____  Physical Address: _____ _____ _____
<b>Complainant's relationship to the Incident:</b>  <input type="checkbox"/> Customer <input type="checkbox"/> Employee <input type="checkbox"/> Town <input type="checkbox"/> Volunteer <input type="checkbox"/> Intern <input type="checkbox"/> By-stander <input type="checkbox"/> Department Staff <input type="checkbox"/> Vendor <input type="checkbox"/> Other (please list) <span style="display: block; text-align: right; margin-top: 5px;">_____</span>	
To Be Completed by Maine Inland Fisheries and Wildlife	
<b>Report received by:</b>	
<b>Action taken:</b>	

Maine Department of Inland Fisheries and Wildlife  
 ATTN: Animal Damage Control  
 41 State House Station  
 Augusta, ME 04333-0041  
 or via email to: ADCReport.IFW@maine.gov

## J1.7

### **ADMINISTRATIVE POLICY ON USE OF CABLE TRAPS ON BEAR DAMAGED BEE HIVES**

#### PURPOSE

The purpose of this policy is to ensure that commercial beekeepers are provided adequate opportunity, under the provisions of Title 12 MRSA, Section 7504, §1B, to protect bee hives from damage by black bears during those times that such bees are being utilized to pollinate a commercial crop. It is also intended that every effort should be made to avoid bear damage by using fence and other measures to protect beehives.

#### PROCEDURE

Any beekeeper, licensed with the Department of Agriculture, may obtain an annual permit to set (or employ another person to set) cable traps, so called, with a closing diameter of not less than 2 ½ inches, within 300 feet of any bee hive as a means of protection against damage by bears, under the following provisions:

- (1) The bee hives must be located in the immediate vicinity of a cultivated crop, commercial blueberry land or orchard;
- (2) The provisions of the permit will apply only during the time of year when the involved crops are subject to pollination;
- (3) Each permit must be obtained in writing from the Commissioner of Inland Fisheries and Wildlife or his authorized agent;
- (4) Each permit will designate the town(s) where the bee keeper will be setting cable traps;
- (5) If the beekeeper employs another person to set cable traps, the person setting the traps must be named in the permit; and
- (6) Any bear taken must be reported to a game warden as required by law.

(Note: Nothing in this policy shall prohibit a beekeeper, at any time and in any location, from utilizing other means of taking bear found in the act of destroying that person's bee hives. Neither shall this policy prohibit any game warden from issuing a permit to any person allowing the use of dogs or other method in taking nuisance bear pursuant to Sec. 7502.)

## ADMINISTRATIVE POLICY REGARDING COYOTE SNARING

**Authorization to Snare:** The use of wire snares to capture coyotes is provided by Title 12 MRSA §7013, Section 7-A, and §7035 Paragraph B, and is guided by this Administrative Policy. This policy also establishes the Department's responsibilities and the procedures to be followed by Animal Damage Control Cooperators while performing coyote duties as Agents of the Department.

**Advisory Committee.** A three (3) member snaring advisory committee shall be established in each wildlife region for the purpose of coordinating snaring activities in that region, resolving disputes that may arise, and assisting in the certification of snarers. The regional wildlife biologist, a game warden, and a representative of the snaring/trapping community will serve on the committee.

**Snare Certification:** Certification by the Department is required to use snares to capture coyotes and may be granted to any person who 1) is Registered as an Animal Damage Control (ADC) Cooperator and 2) satisfies training requirements established by the Department. Certification is valid only with a valid trapping license.

*Initial Snare Certification is conditional.* A person with a conditional certification may snare under the general supervision of a Department Official to gain snaring experience and skill.

*Full Certification is optional,* but is required to set snares without department supervision, and to be deployed for payment by the Department. Full certification is subject to a determination by the Commissioner that the person:

- has demonstrated a high degree of coyote snaring experience and proficiency;
- has satisfactorily completed a Trapper Safety and Snaring Education Course, or approved equivalent training;
- has a history of successfully capturing coyotes by snare.
- has demonstrated good judgment and compliance with the Snaring Policy and all fish and wildlife laws and rules.

*Full certification upgrades may be considered jointly by Regional wildlife and warden officials,* or an advisory committee.

*Grandfather Clause:* Snare persons who have held full certification prior to December 1, 1998, and have remained active during that time, shall retain their full certification until such time that certification is lapsed or revoked by the Commissioner.

*Expiration:* Snaring certification shall be valid for a period indicated on a certification card, or unless or until otherwise lapsed or revoked by the Commissioner.

*Revocation:* The Commissioner may revoke Snaring Certification for failure to comply with any of the provisions or conditions of this policy, or upon determination that the criteria for certification are no longer being met.

**Training:** Periodic Training will be offered by the Department Animal Damage Control Program, and is required of all registered ADC Cooperators to satisfy training requirements for snaring certification. In addition, snaring training will be offered by the Trapper Education Program for all new trapper-snarers. Warden Service and Wildlife Division in-service training in the use of snares shall be provided regularly to all Wardens and Wildlife field personnel.

**Approved Types of Snares:** Conventional wire snares meeting minimum closure or breakaway criteria set forth in the snaring policy may be used.

**Deployment for Financial Compensation:** The Department may provide financial remuneration to Fully Certified snarers. Any provision to pay for coyote snaring must be coordinated by a Regional Wildlife Biologist and is subject to the availability of funds and priority of needs. The snarer, even when being paid, may retain the pelts of coyotes taken.

### **GENERAL SNARING PROVISIONS**

The following Provisions shall apply to all conditionally certified snare persons; and to all fully certified snare persons unless directed by the Department and specifically waived by a Regional Wildlife Biologist in writing. Appropriate trapping regulations shall apply to the practice of snaring.

1. **Department Notification:** All snare persons must 1) discuss with the regional wildlife biologist their intention to snare before setting snares, and 2) provide a description of the location of snaring activity to the respective Warden Division Headquarters as soon as possible following the setting of snares.
2. **Posting:** The area containing snares must be adequately posted. Signs must be placed at all access points, such as car, jeep, skidder, snowmobile, or ATV roads or trails, cross-country ski or hiking trails, or other obvious travel ways. Signs must contain the warning that snares are being used, and the name and telephone number of snarer.
3. **Tending:** Snares must be tended every three (3) days in organized towns, except that under special circumstances, the tend provision may be extended up to seven (7) days *in writing* by the Regional Wildlife Biologist if the snarer:
  - is formally deployed by a Regional Wildlife Biologist or
  - the snarer is not formally deployed, but has full certification, **and**
  - deer breakaway devices are used.

In the case of any dispute regarding the tending provision, the snarer may seek a resolution from the regional advisory committee.

4. **Snare Tags:** Snares must be identified by a metal tag in the same manner as the trap tagging requirement.
5. **Snare Location and Number:** Snares may **only** be set in Unorganized Towns **under the GENERAL SNARING PROVISIONS** of this policy. A maximum of 30 snares may be deployed by one person in no more than two (2) locations at one time. A location may be up to a five (5) square mile area definable by physical features such as roads, streams, mountains, etc. A Regional Wildlife Biologist may modify this provision if necessary.
6. **Accountability:** Snarer must be able to account for all snares at any time.
7. **Time Limit:** The use of snares in the general snaring season is limited to the months of January and February. Snaring may occur in December and March as directed and deployed by a Regional Wildlife Biologist (SEE SPECIAL SNARING PROVISIONS).
8. **Reporting:** All coyotes taken by snare must be reported monthly on department ADC reporting forms. (Re-certification may not be approved unless reports are submitted)
9. **Non-Target Protection:** No snares may be set so as to unreasonably jeopardize any non-target species. Any non-target species captured alive must be released and reported; otherwise any non-targets must be reported and submitted to the Department.
10. **Deer Stops and Breakaways:** Upon recommendation by a Department official, a snare stop device must be installed to limit snare closure to no less than two (2) inches diameter. Deer "breakaway" devices of an accepted design must be installed on snares set within deer concentration areas.
11. **Use of Bait:** The Department will not prohibit the use of bait, **however**, since the inappropriate use of bait increases the probability of catching non-target animals, including eagles, the Department recommends that the use of bait be avoided. **If bait is used, it must never** be placed within 50 yards of a snare. Snares must be relocated if bait is scattered nearby by scavengers. Bait **must** be placed in the open, exposed to view, the snares are then to be set more than 50 yards from the bait and 10 yards behind the edge of any opening.

## SPECIAL SNARING PROVISIONS

- A. **December and March Snaring:** Fully certified snarers may snare in the months of December and March **only** when deployed by a Regional Wildlife Biologist **and** must be associated with a "deer depredation problem". For the purposes of this policy, the Department defines a deer depredation problem as either an active reported problem of one or more dead deer, **or** a deer wintering area with a reported history of coyote predation.
- B. **Organized towns:** Fully certified snarers may snare in organized towns **only** when deployed by a Regional Wildlife Biologist **and** must be associated with a "deer depredation problem" as defined in A. above. Snares in organized towns **must** be tended every 24 hours.
- C. **Lynx Avoidance:** Lynx occur sporadically in several areas of the State. They are of special concern because of their low numbers and federal threatened status, and every effort must be made to protect them. In Maine this concern must be balanced against the legislatively mandated effort to harvest coyotes, and the public's desire to protect wintering deer from predation. Therefore, to closely monitor snaring activity that may affect lynx, coyote snaring in **WMDs 1-8 and 13** (see map in hunting/trapping rules), may be conducted only in consultation with a Regional Wildlife Biologist. The following criteria shall be used for directing snaring in WMDs 1-8 and 13:
1. Due to the high density of lynx documented within the "Department's Lynx Study Area" in the Round Pond vicinity of Aroostook County, and any coyote snaring within this study area will be directed by specific guidelines, which are attached to this policy.
  2. Unless deployed by the Regional Wildlife Biologist in response to a specific coyote/deer depredation problem, snaring shall not be permitted in a lynx protection zone. This protection zone shall consist of a circular area, five (5) miles in radius, centered on any lynx sign/observation which has been documented within the last 10 years.
    - all snarers specifically deployed within a lynx protection zone must tend all snares at least once every three (3) days
  3. In the remaining portions of those WMDs (1-8 and 13), areas where lynx have not been documented, snaring will be allowed under the GENERAL SNARING PROVISIONS set forth in this policy, and all snarers shall be advised by the Regional Wildlife Biologist:
    - of the special concern for and status of lynx and bobcat,
    - that special care and caution must be used when using snares,
    - that snares shall not be set in any location where the snarer observes bobcat or lynx sign, **and** immediately advise the Regional Wildlife Biologist of the presence of lynx or bobcat activity, and
    - for the snarer to **notify** the Regional Wildlife Biologist immediately if a bobcat or lynx is snared.

## ADMINISTRATIVE POLICY REGARDING ORCHARD FENCING AND REPELLANTS

Deer and moose are part of the Maine landscape and should be accepted as a necessary factor in any agricultural or forestry endeavor. However, it is in the best interest of the Department to assist property owners, so far as possible, to avoid excessive damage by deer or moose to crops and orchards. Such assistance is intended to reduce or avoid the loss of deer or moose killed in orchards as provided by statutes (Title 12 MRSA §7501-§7504). The Department may provide suitable repellants and/or assume up to one-half the cost of fencing young orchards being damaged by deer. Such assistance is on a cost-share basis with the landowner or land manager, and reimbursement is subject to the availability of funds. Orchard owners, and other crop producers should be encouraged to contact the Regional Wildlife Biologist or the Animal Damage Control Coordinator for technical advice and assistance, and each situation will be handled on a case by case basis.

### GUIDELINES

Home gardeners and others experiencing light or moderate damage to crops may be supplied with a limited amount of free repellants, such as soap - up to 30 bars. A modest inventory of soap shall be dispensed by the Storehouse upon request. Requests for additional amounts, or different types of repellants, should be referred to the ADC Coordinator. All other requests for orchard or crop repellants or fencing assistance must be assessed and verified to determine the extent of damage by deer.

Vegetable crop farmers, nurseries, fruit growers and others should be referred to the USDA-APHIS Office for information and assistance with temporary fencing. Generally they will be offered a low-cost lease/buy agreement on suitable fencing, following which they will own the fence.

Orchardists, nurseries, or other crops for which permanent fence is desirable, should be referred to the Regional Office or the ADC Coordinator for information on the Cost-Share Reimbursement Program for permanent deer fence. Such fence must meet minimum standards of quality and endurance, with *high tensile strength* wire, recommended height and dimensions for deer, and an approved electric configuration or approved non-electric deer fence. Electric fence chargers must be of a *high voltage (minimum of 7,000 volts), low impedance type commonly referred to as Australian Fence*. Assistance will be based on a reimbursement of a portion of the "out of pocket" costs of materials and installation following a final inspection and approval of the working fence. Reimbursement is subject to the availability of funds - call the ADC Coordinator for the status of funds. Application must be made on forms provided by the Department. Orchards will have first priority with all applications taken on a first come basis. Maximum assistance for one landowner/manager is \$2,500.00 per year or until all other applications have been funded. The District Warden and/or Regional Biologist shall inspect fencing for compliance as needed.



**DEPARTMENT POLICY CONCERNING THE REGISTRATION OF BIG GAME ANIMALS WHICH WILL NOT BE CONSUMED BECAUSE OF PARASITES OR INFECTION**

The issuance of a hunting license, or granting of a permit to harvest a game species, does not guarantee hunting success nor that the harvested animal will be in perfect health. All species of wildlife commonly harbor a variety of parasites or infections brought about by natural causes. The level of infestation or infection can vary from extremely low level, which go unnoticed, to extremely high levels which are readily observed and are extremely offensive to most hunters.

Parasites that are commonly found in Maine wildlife are not known to present any hazard to human health as long as the meat is fully cooked. However, because of the limited opportunity to take moose and deer, and the unreasonableness of requiring hunters to register animals that will not be consumed because of numerous parasites or widespread infection, the following policy shall be in effect:

1. All deer and moose taken by hunters and found to be infected with parasites or infected tissue, and considered by the hunter to be so offensive that he or she does not wish to continue to possess the animal may, prior to registration, present the animal for inspection to any game warden or wildlife biologist employed by the Department.
2. All animals so presented shall be inspected by the warden or biologist to determine if the level of infestation or infection will likely result in the animal being unused and discarded by the hunter. If so, the entire animal shall be repossessed and become the property of the State. Once the animal is in the possession of the game warden or wildlife biologist, the hunter shall be given a written notice indicating that the animal was repossessed by the Department and that the hunter's privilege to continue to hunt that particular species in question has not been jeopardized.
3. Agents of the Commissioner shall not repossess animals under this policy when the offensive condition of the animal is a result of failure on the part of the hunter to properly field dress the animal and care for the carcass.
4. All animals that are taken into possession by Department game wardens and wildlife biologists by virtue of this policy shall be disposed of in a manner that will minimize the transmission of parasites to other animals.

## J1.11

### **ADMINISTRATIVE POLICY REGARDING THE SALVAGE OF ROAD-KILLED ANIMALS**

The purpose of this policy is to provide a mechanism whereby licensed hunters, trappers, and taxidermists may salvage upland game and furbearing animals killed by motor vehicles and left along the highways of the state.

Species covered by this policy include only the following: snowshoe hare, cottontail rabbit, gray squirrel, red squirrel, ruffed grouse (partridge), ring necked pheasant, beaver, raccoon, muskrat, otter, mink, fox, coyote, marten, fisher, bobcat, skunk, opossum, woodchuck, weasel, and porcupine.

Properly licensed hunters, trappers, and taxidermists may salvage upland game and furbearing animal species listed in this policy which have been killed by motor vehicles and left along the highways of the state, as follows:

- During any open hunting or trapping season on the species listed in this policy, salvaged road-kills must be counted as part of any possession or season limit and must be tagged in accordance with the same department rules which apply to wildlife taken by hunting or trapping.
- During times of the year when the season is closed on the species listed in this policy, salvaged road-kills must be presented to an agent of the commissioner within 48 hours. If the agent finds that the requirements of this policy and applicable state laws have been satisfied, the agent will tag the wild bird or wild animal in accordance with the same department rules which apply to wildlife taken by hunting or trapping and issue a certificate of ownership. A certificate of ownership issued pursuant to this policy will entitle a person to use or dispose of a salvage road-kill, or any part thereof, under the same provisions as would apply if the upland game or furbearing animal had been legally taken by hunting or trapping.

**ADMINISTRATIVE POLICY REGARDING THE EXPORT OF  
UNPROCESSED TIMBER FROM WILDLIFE MANAGEMENT AREAS**

This policy seeks to support American wood processing mills and contractors in the face of foreign competition for unprocessed forest products. It recognizes, however, that production of forest products from Department lands is very minor compared to the total volume of wood in the market and that the volume of wood harvested is not sufficient to materially affect demands made on the domestic wood supply by foreign buyers.

In addition, this policy supports the administrative policy regarding wood harvesting on wildlife management areas, department policy J1.1, which states, in part, that it shall be Department policy to maintain and enhance wildlife populations on state-owned wildlife management areas by integrating forest and wildlife management and by encouraging the harvesting of forest products for their highest and best use.

Consequently, the decision to totally forbid export of unprocessed forest products from the wildlife management areas was rejected.

In an effort to support American wood processing mills and contractors and to ensure the highest and best use of its forest products, the Department shall initiate the following procedure:

1. The terms of all timber sales will include the highest and best utilization specifications regardless of market source, either domestic or export.
2. All bid packages will include bid forms for both the domestic and export markets. Bidders may bid on either or both markets.
3. Bid prices will be analyzed separately within each market, domestic and export.
  - a. If the high bid is from the domestic market, the award will be made in accordance with existing contract procedures.
  - b. If the high bid is from the export market, then the top domestic bidder will be given ten (10) days to match the terms and conditions of the export bid. If the domestic bidder agrees to match those terms, he will be awarded the contract subject to all other provisions of timber sale procedures. Failing this, the contract will be awarded to the export bidder.

Price is only one consideration in bidder selection. Among other factors, are past performance, ability to achieve market and utilization standards, financial stability, and the ability to meet the harvesting objectives of the sale. The Department reserves the right to reject any or all bids.

The above procedure has been established to create an equitable method for comparing bids within the domestic and export markets, and then between the top bidders in each market, if the need arises.

**Policy for Management of Wildlife Habitat Written Agreements between  
the Department of Inland Fisheries and Wildlife and Landowners**

PURPOSE

The management of winter shelter for deer is a priority for the Maine Department of Inland Fisheries & Wildlife (IF&W) as it attempts to meet public expectations for enhanced deer numbers. One of the tools that IF&W uses to help attain management objectives is a written cooperative or voluntary agreement between the Department and the Landowner. This agreement sets in writing the nature of the relationship between the Department and the Landowner for the management of forest products and winter deer habitat on areas agreed to by both parties.

The Department also enters written agreements for the management of habitat for other species, such as beach management agreements for Endangered Piping Plovers. Again, these agreements set in writing the nature of the relationship between the Department and other parties and detail the expectations of both parties.

Both parties have obligations under these agreements, and the fulfillment of those obligations determines the success of the agreement. To promote successful administration of cooperative or voluntary agreements, this policy will ensure that:

1. Both parties accomplish all processes and communications according to the agreement.
2. IF&W documents the accomplishment of these processes and communications and that IF&W files this documentation in a way that is quickly retrievable, and
3. IF&W acts upon all processes and communications in a timely manner.

PROCEDURES

It will be the responsibility of the **Wildlife Management Supervisor**, working under the direction of the Wildlife Division Director, to enhance the current database of all cooperative/voluntary agreements for wildlife habitat management between the Department and any landowners to accomplish the following tasks. The database will detail the title, area covered, and any requirements for periodic meetings, communications, site reviews, monitoring, and any other requirements of either the Department or the landowner. Further, the database will be maintained to show the date that each requirement was fulfilled and any further action needed or taken as a result. The database will show where all written information pertaining to the agreement is maintained.

The Wildlife Management Supervisor will incorporate all Department requirements of habitat management agreements into the appropriate Regional Biologists' written quarterly work goals.

The Wildlife Management Supervisor will serve as the first route of dispute resolution between Regional Biologists and landowners, should the need arise or as guided by the agreement.

It will be the responsibility of the **Regional Wildlife Biologist** to maintain this database to include all habitat management agreements or sections of agreements in their Region, and to fulfill all Department requirements of contact, communication, technical assistance according to each agreement. It will also be their responsibility to maintain a written record of every contact with landowners, meetings, actions taken, conclusions reached, and other information required or helpful in knowing the current status of all agreements in their Region.

It will be the responsibility of the **Wildlife Division Director** to periodically, but at least two (2) times annually, review the status of habitat management agreements with the Wildlife Management Supervisor to ensure that Department responsibilities are accomplished and to review the effectiveness of the agreement and approach in accomplishing habitat conservation objectives. The Wildlife Division Director will assist, when necessary, with resolving disputes between Division staff and landowners to ensure the integrity of the agreement and the habitat objectives. The Wildlife Division Director will communicate with the Bureau Director any issues that threaten the success or integrity of any agreement.

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James Connolly  
Director, Bureau of Resource Management

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Chandler Woodcock  
Commissioner

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Accepted and Approved

## K1.1

**ADMINISTRATIVE POLICY ON TRIBAL-STATE COLLABORATION ACT**

This policy governs the Department of Inland Fisheries and Wildlife's implementation of the *Tribal-State Collaboration Act*, 5 M.R.S. §§ 11051 *et seq.* The purpose of the Act is to promote respectful, government-to-government dialogue, and improve communication between state agencies and the Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Passamaquoddy Tribe, and the Penobscot Nation. Staff should interpret and apply the provisions of the law consistent with this purpose. The Act is intended to be implemented within existing resources, and therefore should be administered in a way that is practical, user-friendly, and efficient. The goal is to ensure the Tribes are afforded a reasonable opportunity to be heard – in addition to the public process – during the development of programs, rules and services that substantially and uniquely affect them or their citizens, while minimizing administrative burdens for both state and tribal staff. This policy incorporates *Tribal-State Collaboration Agency Guidance* of November 29, 2022, which is attached and incorporated herein.

**I. Collaboration Required**

Staff shall engage in tribal collaboration regarding a contemplated program, rule or service that substantially and uniquely affects an Indian Tribe or its members. In determining whether a contemplated action triggers the need for collaboration, staff should consider whether it will have a meaningful and significant impact on an Indian Tribe or its members that is distinct from the general population. This will always be a subjective determination, and should be informed by the Act's purpose of improving communication between the State and the Tribes. When in doubt, staff should consider whether some initial, informal communication with potentially affected Tribes would assist in making this determination. If the standard for collaboration is not met, but some communication with one or more Tribes would nonetheless be beneficial, staff should ensure that occurs. Decisions about whether and how to engage in collaboration should not be formalistic, but should be driven by common sense and good judgement. The overarching goal is to increase and improve communication with the Tribes, rather than technical compliance with the Act for its own sake.

**A. The Process of Collaboration**

The Act requires the agency to provide the Tribes with written notice of the contemplated action, allow the Tribes a reasonable opportunity to provide information, advice and opinions on the contemplated action, and consider the comments it receives.

1. **Notice (sub-§ 11053(1)(D)(1)).** Once the determination has been made that collaboration is appropriate, the tribal liaison or project manager should email

the point of contact that each of the four Tribes has provided for the purpose of collaboration. This email should explain that the agency is initiating the collaboration process, provide a description of the proposed action, identify the date within which comments are requested, and offer to answer any questions.

2. **Opportunity to Comment (sub-§ 11053(1)(D)(2)).** There is no statutorily required comment period for tribal collaboration. The schedule should take into account the nature of the proposed action, its relative complexity, the magnitude of its impact, the relative urgency to act, and other factors. The schedule may be extended or truncated as appropriate, depending on the level of interest the Tribes may express. Comments may be submitted in writing, or provided orally in a meeting or via teleconference. The comment period and the manner in which information is exchanged should be flexible to accommodate the needs of tribal and state agency staff, and to promote efficiency and good communication. The agency must use reasonable efforts to complete the process before taking final action.
  
3. **Consideration of Comments (sub-§ 11053(1)(D)(3)).** The agency must consider in good faith the information, advice, and opinions it receives from the Tribes in the course of collaboration. The agency is not required to provide a written response to submissions it receives from the Tribes, but it may choose to provide feedback, including informally, in the interests of respectful dialogue. The agency should include any written materials received or generated in the collaboration process in the record of its decision-making. To the extent the Tribes provide comments orally, the agency should prepare a memorandum summarizing those comments for its record.
  
4. **Collaboration in Rulemaking (sub-§§ 11053(1)(D) & (D)(4)).** In the context of rulemaking, agencies must engage in collaboration consistent with applicable provisions of the Administrative Procedures Act, 5 M.R.S. §§ 8051 *et seq.* (APA), as well as the Tribal-State Collaboration Act, 5 M.R.S. §§ 11051 *et seq.* The Act directs the agency to use reasonable efforts to complete collaboration before formal publication of a proposed rule pursuant to 5 M.R.S. § 8053(5). Completing collaboration before publication of a proposed rule will also avoid procedural confusion that could arise from collaboration occurring at the same time as the public notice and comment process under the APA. If it is necessary to engage in collaboration following publication of the proposed rule, the agency should work closely with the Attorney General's Office to ensure compliance with both statutes.

In the context of emergency rulemaking pursuant to 5 M.R.S. § 8054, the agency must provide notice and engage in collaboration to the extent practicable.

**Informing Agency Staff (sub-§ 11053(1)(E)).** The tribal liaison shall promote awareness of the Tribal-State Collaboration Act and this policy within the agency by conspicuously posting this policy on the agency's website and ensuring appropriate references are made to the policy in agency employment manuals and training materials.



## **TRIBAL-STATE COLLABORATION – AGENCY GUIDANCE**

**Overview and Purpose:** The Tribal-State Collaboration Act of 2022 requires certain state agencies to engage in a tribal collaboration process regarding contemplated programs, rules or services that substantially and uniquely affect Maine’s four federally-recognized Indian Tribes or their members. The Act is codified at 5 M.R.S. §§ 11051 *et seq.* Its purpose is to promote respectful dialogue and improve communication between state government and the four Tribes: the Houlton Band of Maliseet Indians, the Mi’kmaq Nation, the Passamaquoddy Tribe, and the Penobscot Nation. The Act is intended to be implemented within existing resources, and designed not to create a cumbersome new bureaucracy. Instead, it is intended to allow each agency discretion to administer the law in a manner that is efficient and user-friendly, and that accommodates the unique circumstances of the agency’s work. Although there are no penalties for non-compliance with the Act, each agency should strive to ensure that tribal collaboration, when it occurs, is both a meaningful process and one that does not result in unnecessary administrative burdens for tribal or state governments.

**Agencies subject to the collaboration requirement (sub-§§ 11052(1)(A)-(P)):** Only those agencies identified in the Act are subject to its requirements: DACF, DOC, DECD, DOE, DEP, DHHS, DIFW, DOL, DPS, DAFS, DPFR, DDVEM, DMR, DOT, PUC, and the Office of the Public Advocate. Administrative divisions of these agencies are not required to comply with the Act’s requirements separately. So, for example, DPFR need only designate a single tribal liaison for the entire agency, and each professional licensing board within the agency is not required to do so independently. The same is true for filing bi-annual reports – only a single report is required on behalf of the entire agency.

Some agencies will have occasion to engage in tribal collaboration more frequently than others, and some may do so only rarely. The fact that a given agency was included in the Act should not be interpreted to mean that it is expected to engage in tribal collaboration regularly – only that it is possible that it could at some point have occasion to do so. Each agency should thus be vigilant in ensuring that it engages in the collaboration process when appropriate.

**Actions triggering collaboration (sub-§ 11053(D)):** The scope of the Act applies only to “programs, rules and services that substantially and uniquely affect the Indian Tribes or tribal members.” Note that it does not apply to any specific licensing and permitting decisions. Because the statute applies only to agency decision-making that both “substantially and uniquely” affects Tribes or tribal members, it will not cover most programs, rules and services of general applicability. The narrow focus of the Act is to ensure that the time and energy that goes into the collaboration process will be spent on the issues that matter most to tribal communities. Agencies should not be legalistic in assessing which decisions trigger collaboration, and should instead use common sense and good judgment to make that determination consistent with the

Act's purpose of improving tribal-state communication. When in doubt, it may make sense for agencies to have some initial, informal communication with potentially affected Tribes to inform the determination of whether a contemplated action may substantially and uniquely affect the Tribe or its members.

**Agency obligations:** The Act calls upon agencies to designate a tribal liaison, ensure the liaison and other appropriate staff receive appropriate training, adopt a collaboration policy, and file a report every two years describing its activity under the collaboration law.

**-Designate a tribal liaison (sub-§ 11053(3)).** Agencies must designate a tribal liaison who reports directly to the head of the agency and who is responsible for facilitating effective communication between the agency and the Tribes. The agency's existing legislative liaison would be an appropriate choice for this role. The liaison will serve as the agency's point of contact on tribal issues and oversee implementation of the collaboration Act's requirements within the agency.

**-Adopt a collaboration policy (sub-§ 11053(1)).** The core requirement of the Act is that the agency adopt a policy that sets forth the process it will follow to engage in tribal collaboration. The policy must include provisions which provide for reasonable written notice of the contemplated action, allow the Tribes a reasonable opportunity to comment, require agency consideration of the comments received, and require that the agency make reasonable efforts to complete collaboration before making a final decision. The policy must also ensure agency staff are informed of the requirements of the Act. The agency must seek and consider comments on its draft collaboration policy from the Tribes and the Maine Indian State Tribal Commission.

**-Training (§ 11054):** Tribal liaisons and other agency staff "whose work substantially and uniquely affects Indian tribes or tribal members" must receive training under the Act. The Governor's office will offer training on effective communication and collaboration under the Act, and will request the Tribes to provide training on cultural competency.

**-Filing of reports (sub-§ 11055(2)).** Beginning on January 10, 2023, the law requires agencies to file reports every two years with their legislative committee of jurisdiction and with the Maine Indian Tribal State Commission. The reports must include a copy of the agency's collaboration policy, the name and contact information of the agency's tribal liaison, a description of training received, a description of any actions contemplated during the upcoming biennium – to the extent known – that would trigger collaboration, a summary of any collaboration the agency engaged in during the preceding biennium, and any recommendations for changes to the Act.