

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws

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

Sec. 1. 12 MRSA §10801, sub-§6, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 2. 12 MRSA §10953, sub-§1, as repealed and replaced by PL 2013, c. 236, §3, is amended to read:

1. Species and seasons. ~~Except as provided in this Part, a~~A person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251;

B. Hunt wild turkey with a crossbow during the spring open season on wild turkey in areas open to wild turkey hunting as established by rule in section 11701;

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; and

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401. ~~This paragraph does not authorize a person to hunt deer with a crossbow during an expanded archery season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404, except as provided in subsection 1-A.~~

Sec. 3. 12 MRSA §10953, sub-§1-A, as enacted by PL 2011, c. 61, §3, is repealed.

Sec. 4. 12 MRSA §10953, sub-§1-B is enacted to read:

1-B. Hunting with a crossbow; 70 years of age or older. A person 70 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal, subject to this Part. A person 70 years of age or older may hunt deer with a crossbow during a regular archery-only season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.

This subsection is repealed January 1, 2015.

Sec. 5. 12 MRSA §11109, sub-§3, ¶A, as amended by PL 2013, c. 213, §1, is further amended to read:

A. A resident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$7. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A resident junior hunting license does not ~~include an antlerless deer permit~~exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 6. 12 MRSA §11109, sub-§3, ¶F, as amended by PL 2013, c. 213, §2 and c. 408, §12, is repealed and the following enacted in its place:

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$34. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 7. 12 MRSA §11152, sub-§7, as amended by PL 2013, c. 408, §13, is further amended to read:

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who has lost all or part of one or more lower limbs, not including a partial foot amputation, ~~or is suffering from the permanent loss of use of both lower limbs.~~ The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician confirming the person's condition. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.

Sec. 8. 12 MRSA §11208, as amended by PL 2005, c. 477, §7, is further amended to read:

§ 11208. Unlawful shooting or discharge of firearm, bow and arrow or crossbow

1. Shooting or discharge of firearm, bow and arrow or crossbow over or near public paved way. A person may not:

A. Shoot at any wild animal or wild bird from any public paved way or within 10 feet of the edge of the pavement of the public paved way or from within the right-of-way of any controlled access highway;

B. Discharge any firearm, bow and arrow or crossbow over a public paved way; or

C. Possess any wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part.

This subsection does not prohibit a person who has a valid permit to carry a concealed weapon from possessing that weapon on or near a public paved way as long as it is not used for shooting at wild animals or wild birds or discharged in violation of this subsection.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

Sec. 9. 12 MRSA §11214, sub-§1, ¶G, as amended by PL 2005, c. 419, §6 and affected by §12, is further amended to read:

G. ~~Except~~Hunt a wild animal or wild bird with a set bow or, except as provided in section 10953, hunt a wild animal or wild bird with a crossbow ~~or set bow~~;

Sec. 10. 12 MRSA §11403, sub-§2, as amended by PL 2011, c. 61, §4 and c. 298, §1, is further amended to read:

2. Open archery season on deer. The commissioner shall by rule establish a regular archery-only season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the regular archery-only season on deer, except as provided in section 10952, subsection 2 and section 10953, subsection ~~1-A~~1-B, the following restrictions apply.

A. A person may not take a deer during a regular archery-only season unless that person uses a hand-held bow and broadhead arrow with the following specifications.

(1) Bows must have a minimum draw weight of 35 pounds.

(2) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person who holds a valid permit to carry a concealed handgun pursuant to Title 25, section 2003 from carrying a handgun.

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with bow and arrow during the regular archery-only season on deer, that person is precluded from further hunting for deer during that year.

D. Except as provided in this subsection, the provisions of this Part concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

A person who violates this subsection commits a Class E crime.

Sec. 11. 12 MRSA §12501, sub-§5, as repealed by PL 2013, c. 380, §2 and affected by §5 and repealed by c. 408, §19, is repealed and the following enacted in its place:

5. Nonresident junior fishing license expiration. A nonresident junior fishing license issued to a nonresident who has passed that nonresident's 15th birthday is valid through the calendar year for which the license was issued.

Sec. 12. 12 MRSA §12501, sub-§6, ¶D, as repealed by PL 2013, c. 380, §3 and affected by §5 and repealed by c. 408, §20, is repealed and the following enacted in its place:

D. A nonresident junior fishing license, for persons 12 years of age or older and under 16 years of age, is \$16. This paragraph is repealed January 1, 2015.

SUMMARY

This bill makes the following changes to inland fisheries and wildlife laws:

1. It eliminates the delinquency fee charged to agents of the Department of Inland Fisheries and Wildlife who sell licenses and registrations for the department but fail to remit the funds within 60 days;
2. It clarifies changes made by Public Law 2013, chapter 236 to the laws regarding hunting with a crossbow;
3. It clarifies a change made to the law regarding resident junior hunting licenses to specify that the license does not exempt the holder from having to comply with the requirements of the lottery process, including those of the lottery for an antlerless deer permit;
4. It corrects an error made in Public Law 2013, chapter 408, which amended the qualifications for an antlerless deer permit for a person with a disability and inadvertently removed from eligibility a person who is suffering from the permanent loss of use of both lower limbs;
5. It adds the discharge of a bow and arrow to the prohibition against discharging a weapon over or near a public paved way; and
6. It resolves a conflict created by Public Law 2013, chapters 380 and 408, which repealed the same provisions of law regarding nonresident junior fishing licenses, except that chapter 380 delayed the repeal until January 1, 2015 to allow the department to collect revenue for another year. The conflict is resolved by delaying the repeal until January 1, 2015, as in chapter 380.