

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

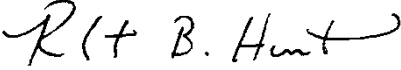
No. 1717

H.P. 1228

House of Representatives, May 14, 2019

An Act To Clarify and Correct Maine's Fish and Wildlife Laws

Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.
Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered
printed.


ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Eagle Lake.

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

2 **Sec. 1. 12 MRSA §10001, sub-§§1-A, 11-A and 28-A** are enacted to read:

3 **1-A. Airbow.** "Airbow" means a device for propelling an arrow or bolt by means of
4 compressed air, mounted on a stock and having a working mechanical trigger safety
5 device and a minimum pressure of 2,000 pounds per square inch.

6 **11-A. Crossbow.** "Crossbow" means a device for propelling an arrow or bolt by
7 means of traverse limbs and a string, mounted on a stock and having a working
8 mechanical trigger safety device and a minimum draw weight of 100 pounds.

9 **28-A. Hand-held bow or bow.** "Hand-held bow" or "bow" means a device for
10 propelling an arrow by means of limbs and a string that is hand held, hand drawn and
11 held in a drawn position by hand or a hand-held mechanical release. "Hand-held bow" or
12 "bow" includes a compound bow, a recurve bow and a long bow.

13 **Sec. 2. 12 MRSA §10851, sub-§1, ¶D,** as amended by PL 2017, c. 164, §2, is
14 further amended to read:

15 D. For a resident 70 years of age or older. For a person who holds a valid senior
16 lifetime license under this section at any time during the calendar year that person
17 turns 70 years of age, that lifetime license includes all hunting permits and licenses
18 authorized in this Part and may renew at no cost a guide license under section 12853.
19 A license holder under this paragraph who qualifies to hunt during the special season
20 on deer under section 11153 and who meets the eligibility requirements of section
21 11106 and section 11162 must have included in that person's license one antlerless
22 deer permit and one either-sex permit. A person who is 70 years of age or older may
23 purchase a senior lifetime license that entitles the holder to all the privileges
24 described in this paragraph for a one-time \$8 fee.

25 **Sec. 3. 12 MRSA §10953, sub-§1-C,** as repealed and replaced by PL 2017, c.
26 475, Pt. A, §20, is amended to read:

27 **1-C. Hunting with a crossbow; 65 years of age or older.** A person 65 years of age
28 or older who meets the eligibility requirements of sections 11106 and 11162 may hunt a
29 wild bird or a wild animal with a crossbow during any open season on that wild bird or
30 wild animal subject to this Part.

31 **Sec. 4. 12 MRSA §10955** is enacted to read:

32 **§10955. Open seasons for hunting with airbow**

33 **1. Species and seasons.** A person may hunt deer with an airbow during the open
34 firearm season on deer as provided in section 11401.

35 **2. Airbow requirements.** A person may not hunt with an airbow unless the airbow
36 meets the following requirements:

- 1 A. The airbow must have a shoulder-type stock. A hand-held pistol-type airbow
2 may not be used;
- 3 B. The airbow must be charged to a minimum pressure of 2,000 pounds per square
4 inch;
- 5 C. The arrowhead, including a mechanical broadhead when open, must be at least
6 7/8 inch in width;
- 7 D. An airbow arrow or bolt that has an explosive or poisonous tip may not be used;
- 8 E. The airbow must be equipped with a mechanical trigger safety device in working
9 condition; and
- 10 F. The airbow may be equipped with a scope or sight.

11 **Sec. 5. 12 MRSA §11212-A**, as enacted by PL 2017, c. 176, §2, is amended to
12 read:

13 **§11212-A. Having a loaded firearm or crossbow in a motor vehicle or hunting or**
14 **shooting from a motor vehicle or motorboat**

15 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
16 following terms have the following meanings.

- 17 A. "Loaded firearm or crossbow" means a firearm with a cartridge or shell in the
18 chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm
19 charged with powder, lead and a primed ignition device or mechanism or a cocked
20 and armed crossbow.
- 21 B. "Vehicle" means a motor vehicle or a trailer or other type of vehicle being hauled
22 by a motor vehicle.

23 **2. Prohibition; vehicles.** A person may not shoot while in or on a vehicle, have a
24 loaded firearm or crossbow while in or on a vehicle or rest a loaded firearm or crossbow
25 on a vehicle except as provided in subsection 3.

26 **3. Exceptions.** The following exceptions apply to subsection 2.

- 27 A. While hunting, a person who is not in or on a vehicle may rest a loaded firearm or
28 crossbow that is under the person's control on the vehicle to shoot only when the
29 vehicle is not in motion and the engine of the vehicle is not running.
- 30 B. While hunting, a person who is on but not within an enclosed area or passenger
31 compartment of an all-terrain vehicle or snowmobile may shoot a firearm or
32 crossbow or rest a loaded firearm or crossbow that is under the person's control on the
33 all-terrain vehicle or snowmobile to shoot only when the all-terrain vehicle or
34 snowmobile is not in motion and the engine of the all-terrain vehicle or snowmobile
35 is not running.
- 36 C. While target shooting and not hunting, a person who is on but not within an
37 enclosed area or passenger compartment of a vehicle may shoot a firearm or
38 crossbow or rest a loaded firearm or crossbow that is under the person's control on the

1 vehicle to shoot only when the vehicle is not in motion and the engine of the vehicle
2 is not running.

3 D. Notwithstanding paragraph A, a paraplegic or single or double amputee of the
4 legs may shoot from a vehicle that is not in motion.

5 E. A person who is 21 years of age or older and is not otherwise prohibited from
6 possessing a firearm or is 18 years of age or older and under 21 years of age and is on
7 active duty in the Armed Forces of the United States or the National Guard or is an
8 honorably discharged veteran of the Armed Forces of the United States or the
9 National Guard and is not otherwise prohibited from carrying a firearm may have in
10 or on a vehicle a loaded pistol or revolver.

11 **4. Prohibition; motorboats.** A person may not shoot while in or on a motorboat,
12 except that:

13 A. A person may hunt migratory waterfowl from a motorboat in accordance with
14 federal regulations; and

15 B. A person may shoot from a motorboat if that boat is not being propelled by its
16 motor.

17 **5. Possession of wild animals or wild birds.** A person may not possess a wild
18 animal or wild bird taken in violation of ~~subsections~~ subsection 2 or 3, except as
19 otherwise provided in this Part.

20 **6. Penalty.** A person who violates this section commits a Class E crime.

21 **Sec. 6. 12 MRSA §11403, sub-§2, ¶B,** as amended by PL 2017, c. 357, §2, is
22 further amended to read:

23 B. A person may not carry firearms of any kind while hunting any species of wildlife
24 with bow and arrow during the regular archery-only season on deer, ~~except that a~~
25 ~~person who holds a license that allows hunting with firearms may carry a handgun.~~
26 This paragraph may not be construed to prohibit a person from carrying a concealed
27 weapon in accordance with Title 25, section 2001-A.

28 **Sec. 7. 12 MRSA §12201, sub-§2, ¶E,** as amended by PL 2017, c. 427, §17 and
29 affected by §19, is further amended to read:

30 E. A If a nonresident who is not a citizen of the United States is eligible to, the
31 nonresident may purchase only a nonresident trapping license for but may not trap
32 any species other than beaver pursuant to section 12259, subsection 3.

33 **Sec. 8. 12 MRSA §12602, last ¶,** as enacted by PL 2003, c. 414, Pt. A, §2 and
34 affected by c. 614, §9, is amended to read:

35 A person who violates this section commits a Class E crime. The court shall also
36 impose a fine of \$20 for each fish unlawfully possessed, none of which may be
37 suspended. In the case of smelt limits, a person who violates this section commits a Class
38 E crime, and the court shall impose a fine of \$20 for each quart over the limit.

1 7. Require any shack or temporary structure used for ice fishing to be removed by
2 March 31st and, in the laws regarding litter control, amend the definition of the term
3 "abandoned ice-fishing shack."