

MAINE STATE LEGISLATURE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 406, L.D. 589, Bill, "An Act to Establish a Crime and Penalty for Killing a Person While Hunting"

Amend the bill by striking out all of the title and substituting the following:

'An Act to Facilitate Prosecution for Killing a Person While Hunting'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'12 MRSA §7406-A is enacted to read:

§7406-A. Target identification while hunting

1. Findings. Due to the large numbers of Maine citizens and visitors engaged in hunting in the State's woods during hunting season, the continued decline of unpopulated areas through the State, the widespread use of powerful weapons in the pursuit of wild animals and wild birds, and the growing presence of nonhunters engaged in nonhunting activities in the State's woods during hunting season, the Legislature finds that a sufficient risk of serious bodily injury or death to human beings is posed to make it necessary and prudent to provide guidance to those in pursuit of wild animals and wild birds on the matter of proper target identification.

2. Target identification; reasonable and prudent hunter. While hunting, a hunter may not shoot at a target without, at that point in time, being certain that it is the wild animal or wild bird sought. The target-determining process to be utilized is that which a reasonable and prudent hunter would observe in the same situation. A reasonable and prudent hunter always

2 bears the risk of loss of legitimate prey to avoid the risk of
3 the destruction of human life. A reasonable and prudent hunter
4 neither disregards the risk of causing the death of another human
5 being nor fails to be aware of that risk as a consequence of
6 misidentification. A reasonable and prudent hunter never bases
7 identification upon sound alone or even upon sound in combination
8 with what appears to be an appendage of the wild animal or wild
9 bird sought. A reasonable and prudent hunter, independent of
10 these target-determining factors, bases identification upon
11 obtaining an essentially unobstructed view of the head and torso
12 of the potential target. This visual sighting is the most
13 critical target-determining factor. Visual sighting of the head
14 and torso may present itself intermittently or continuously. If
15 presented intermittently, a reasonable and prudent hunter does
16 not make a target-identification decision until this visual
17 sighting exists at the point in time the hunter takes aim and is
18 making final preparation to shoot. A reasonable and prudent
19 hunter additionally recognizes that these sound and sight
20 target-determining factors are affected by a number of other
21 considerations, including, but not limited to, the distance to
22 the target, surrounding or intervening terrain and cover,
23 lighting and weather conditions, the hunter's own ability to hear
24 and see, the hunter's own experience and the proximity of other
25 persons in the hunter's immediate vicinity.'

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STATEMENT OF FACT

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This amendment replaces the original bill. The amendment enacts a new section of the law to provide guidance relating to the target-determining process to be utilized by a reasonable and prudent hunter.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the House
(5/22/91) (Filing No. H-400)