

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

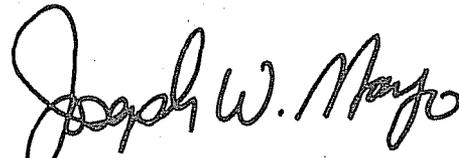
Legislative Document

No. 123

H.P. 93

House of Representatives, January 21, 1993

Reference to the Committee on Fisheries and Wildlife suggested and ordered printed:


JOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator SUMMERS of Cumberland, Representative MICHAUD of East Millinocket and Representative ROTONDI of Athens.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-THREE

An Act to Amend the Archery Hunting Requirements.

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

2
4 **Sec. 1. 12 MRSA §7076, sub-§1**, as amended by PL 1991, c. 17, §1 and affected by §2, is further amended to read:

6 **1. Residents over 70 years of age.** A complimentary license
8 to hunt, trap or fish, including an archery license under section
10 ~~7102~~ 7102-A, and a muzzle-loading hunting license under section
12 7107-A, must be issued to any resident of Maine who is 70 years
14 of age or older upon application to the commissioner. These
16 complimentary licenses, upon issuance, remain valid for the
18 remainder of the life of the license holder, provided the license
20 holder continues to satisfy the residency requirements set out in
22 section 7001, subsection 32 and provided the license is not
24 revoked or suspended. Residents who apply for these
26 complimentary licenses at any time during the calendar year of
28 their 70th birthday must be issued a license upon application,
regardless of the actual date during that calendar year in which
they attain age 70. A guide license may be renewed without
charge for any resident of Maine who is 70 years of age or older
upon application to the commissioner. The application must be
accompanied by a birth certificate or other certified evidence of
the applicant's date of birth and residency. When the holder of
a license issued under this subsection no longer satisfies the
residency requirements set out in section 7001, subsection 32,
the license is no longer valid and further use of the license for
purposes of hunting, fishing or trapping constitutes a license
violation under section 7371, subsection 3.

30 **Sec. 2. 12 MRSA §7102**, as amended by PL 1991, c. 443, §§8 to
32 10, is repealed.

34 **Sec. 3. 12 MRSA §7102-A** is enacted to read:

36 **§7102-A. Archery hunting license**

38 **1. Eligibility.** A person is eligible to obtain an archery
hunting license as provided in this subsection.

40 **A. A resident or nonresident 16 years of age or older who
42 has satisfied the provisions of subsection 5 may obtain an
archery hunting license to hunt with bow and arrow from the
44 commissioner or the commissioner's authorized agent.**

46 **B. A resident or nonresident 10 years of age or older and
under 16 years of age may hunt with bow and arrow, if that
48 person holds a valid junior hunting license.**

50 **C. A person under 10 years of age may not hunt with bow and
arrow at any time.**

2 B. Except as provided in section 7377, subsection 1, an
4 archery hunting license is required for persons 16 years of
 age or older to hunt wild birds or wild animals with bow and
 arrow.

6
8 C. The commissioner shall by rule establish a special
 archery season beginning at least 30 days prior and
10 extending to the beginning of the regular deer hunting
 season, as described in section 7457, subsection 1,
12 paragraph A, for the purpose of hunting deer with bow and
 arrow only. During the special archery season on deer, the
 following restrictions apply:

14 (1) Deer may be taken only by means of a hand-held bow
16 and broadhead arrow, provided that:

18 (a) Bows must be of adequate strength to shoot an
20 arrow at least 150 yards; and

22 (b) Arrowheads must be at least 7/8 inch in width.

24 (2) A person may not carry firearms of any kind while
26 hunting any species of wildlife with bow and arrow
 during the special archery season on deer, except that
28 any person who holds a license that allows hunting with
 firearms may carry a handgun.

30 (3) If a person takes a deer with bow and arrow during
32 the special archery season on deer, that person is
 precluded from further hunting for deer during that
 year.

34 (4) Except as provided in this subsection, the
36 provisions of chapters 701 to 721 concerning deer are
 applicable to the taking of deer with bow and arrow,
38 including the transportation, registration and
 possession of deer taken by this method.

40 7. Archery hunting education program. The commissioner
42 shall establish a program for training individuals in safe and
 responsible archery hunting skills and behavior. This program
44 includes instruction in fisheries and wildlife laws, rights of
 landowners and hunters and appropriate principles of wildlife
46 management. The commissioner may charge an enrollment fee of up
 to \$10 per person to help defray the costs of this program. The
48 commissioner may cooperate with any public or private association
 dedicated to responsible and safe archery hunting to establish
50 this program.

2 In establishing the program, the commissioner shall:

4 A. Prescribe the qualifications of instructors;

6 B. Provide liability insurance for each instructor
8 authorized by the commissioner to conduct these programs
10 protecting that person from liability for damages during the
12 time when instruction is being given. The cost of this
14 insurance must be borne by the State;

16 C. Prescribe the type and length of instruction and the
18 time and place of examinations; and

20 D. Issue a certificate of competency to individuals who
22 successfully complete the examination.

24 **Sec. 4. 12 MRSA §7402, as enacted by PL 1979, c. 420, §1, is**
26 **amended to read:**

28 **§7402. Archery hunting**

30 Archery hunting is governed by the license provisions of
32 section 7402 7102-A.

34 **Sec. 5. 12 MRSA §7406, sub-§17, ¶G-1 is enacted to read:**

36 G-1. Uses for hunting or possesses for hunting any arrow
38 having either an explosive or poisonous tip;

40 **Sec. 6. Effective date.** This Act takes effect January 1, 1994.

42 **STATEMENT OF FACT**

44 This bill replaces and updates language in the fisheries and
46 wildlife laws dealing with archery hunting licenses and
48 associated restrictions. The new language is consistent with
50 provisions contained in the current archery hunting laws, except
for 2 substantive changes.

1. The bill requires all persons 16 years of age or older
to possess an adult archery hunting license in order to hunt with
bow and arrow at any time during the year. It would no longer be
legal to hunt with bow and arrow outside the special archery
season on deer with only a general hunting license.

2. The bill also requires applicants for an adult archery
hunting license to provide evidence of having previously held
such a license or having satisfactorily completed an approved
archery hunting education course. A person would no longer be
eligible to obtain an adult archery hunting license by virtue of

2 having previously held a regular adult hunting license, even
3 though it may have allowed hunting with bow and arrow, or having
4 satisfactorily completed a hunter safety course for firearms.

5 The bill also establishes a prohibited act in the
6 "prohibited implements" section of the general hunting laws
7 making it clear that it is unlawful at any time to use or possess
8 for purposes of hunting any arrow equipped with an explosive or
9 poisonous tip. The current prohibition on these devices is
10 addressed in the statutes only as a restriction or condition
associated with an archery hunting license.