

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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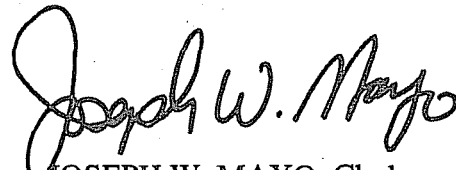
Legislative Document

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.

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STATE OF MAINE

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

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**An Act to Amend the Archery Hunting Requirements.**

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

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

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section 7102 7102-A, and a muzzle-loading hunting license under section 7107-A, must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of 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.

Sec. 2. 12 MRSA §7102, as amended by PL 1991, c. 443, §§8 to 10, is repealed.

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

§7102-A. Archery hunting license

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

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

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 person holds a valid junior hunting license.

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

2       2. Fees. Clerks or other agents appointed by the  
commissioner to issue archery hunting licenses shall charge a fee  
of \$1 for each archery hunting license issued. The commissioner  
shall charge a fee of \$1 for each archery hunting license issued  
by department employees.

3       3. Application and issuance. Licenses must be obtained  
from clerks or agents as provided in this subsection.

4       A. An applicant may obtain a resident archery hunting  
license only from the clerk or an agent in the town in which  
the applicant resides.

5       B. An applicant domiciled in an unorganized township may  
obtain a resident archery hunting license from the clerk or  
an agent in the nearest town.

6       4. Schedule of fees. The schedule of fees for archery  
hunting licenses is as follows:

7       A. Resident archery hunting license, \$14;

8       B. Resident combination archery hunting and fishing  
license, \$28;

9       C. Nonresident archery hunting license, \$47; and

10      D. Alien archery hunting license, \$62.

11      5. Archery hunter education requirements. A person who  
applies for an archery hunting license, other than a junior  
hunting license, must submit proof of having successfully  
completed an archery hunter education course as described in  
subsection 7, an equivalent archery hunter education course or  
satisfactory evidence of having previously held an adult archery  
hunting license issued specifically for the purpose of hunting  
with bow and arrow in this State or any other state, province or  
country in any year after 1979.

12      When proof or evidence can not be otherwise provided, the  
applicant may substitute a signed affidavit that the applicant  
has previously held the required adult archery hunting license or  
has successfully completed the required archery hunter education  
course.

13      6. Open seasons for hunting with bow and arrow. Permitted  
seasons for hunting with bow and arrow are as follows.

14      A. It is legal, except as otherwise provided in chapters  
701 to 721, to hunt any wild bird or wild animal with a  
hand-held bow and arrow during any open season on that bird  
or animal.

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

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

16            (1) Deer may be taken only by means of a hand-held bow  
      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  
28            during the special archery season on deer, except that  
      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  
34            precluded from further hunting for deer during that  
      year.

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

42        7. Archery hunting education program. The commissioner  
44        shall establish a program for training individuals in safe and  
46        responsible archery hunting skills and behavior. This program  
48        includes instruction in fisheries and wildlife laws, rights of  
50        landowners and hunters and appropriate principles of wildlife  
      management. The commissioner may charge an enrollment fee of up  
      to \$10 per person to help defray the costs of this program. The  
      commissioner may cooperate with any public or private association  
      dedicated to responsible and safe archery hunting to establish  
      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 7102 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  
though it may have allowed hunting with bow and arrow, or having  
satisfactorily completed a hunter safety course for firearms.

4  
6 The bill also establishes a prohibited act in the  
"prohibited implements" section of the general hunting laws  
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  
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.