

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 775

S.P. 210

In Senate, February 13, 2001

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**An Act to Establish a Primitive Firearms Season for Deer.**

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator McALEVEY of York.  
Cosponsored by Representative DUNLAP of Old Town and  
Senators: DAVIS of Piscataquis, SHOREY of Washington, WOODCOCK of Franklin,  
Representatives: CLARK of Millinocket, TOBIN of Dexter, USHER of Westbrook.

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

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**Sec. 1. 12 MRSA §7001, sub-§15-A, ¶A,** as enacted by PL 1997, c. 432, §2, is amended to read:

A. Firearms of any type that are permitted under the laws governing hunting, including muzzle-loading firearms and primitive firearms; or

**Sec. 2. 12 MRSA §7001, sub-§25-A,** as amended by PL 1985, c. 320, §1, is further amended to read:

**25-A. Open firearm season on deer.** "Open firearm season on deer" means the time during which it is lawful to hunt deer with a firearm, including the special muzzle-loading season as described in section 7107-A and the special primitive firearms season described in section 7107-B.

**Sec. 3. 12 MRSA §7001, sub-§29-B** is enacted to read:

**29-B. Primitive firearm.** "Primitive firearm" means a rifled or smooth-bored firearm that is:

A. Forty caliber or greater bore diameter;

B. Loaded through the muzzle with a round ball and black powder or a black powder substitute;

C. Capable of firing only a single charge;

D. Ignited by a match lock, wheel lock or flint lock mechanism or other mechanisms in use prior to 1777; and

E. Equipped only with metallic sights.

**Sec. 4. 12 MRSA §7101, sub-§5, ¶¶O to Q** are enacted to read:

O. Resident primitive firearms deer hunting license \$11

P. Nonresident primitive firearms deer hunting license \$33

Q. Alien primitive firearms deer hunting license \$58

**Sec. 5. 12 MRSA §7107-B** is enacted to read:

**§7107-B. Special primitive firearms deer hunting season**

2           1. Eligibility.    The following provisions govern  
eligibility for hunting with a primitive firearm.

4           A. A person 16 years of age or older at the beginning of  
the special season established under subsection 3 may obtain  
6           a primitive firearms license from the commissioner or the  
commissioner's authorized agent, provided that the person  
8           possesses a valid license to hunt big game with firearms.

10          B. A person 10 years of age or older and under 16 years of  
age may obtain a primitive firearms license from the  
12          commissioner or the commissioner's authorized agent,  
provided that the person possesses a valid junior hunting  
14          license.

16          C. A person who is under 10 years of age may not hunt deer  
with a primitive firearm.

18           2. Issuance.    The commissioner, through an agent, shall  
20          issue a primitive firearm license in the form of a stamp or  
permit to eligible persons. The issuing agent shall charge a fee  
22          of \$1 for each license issued.

24           3. Open season.   There is a special primitive firearms  
season for deer starting the 6th Monday preceding Thanksgiving  
26          and ending at sunset the 5th Monday preceding Thanksgiving of  
each year. The commissioner shall determine the areas open for  
28          hunting pursuant to this section and may terminate this open  
season at any time, in any area, if, in the commissioner's  
30          opinion, an immediate emergency action is necessary due to  
adverse weather conditions or severe hunting pressure. The  
32          commissioner shall open as much of the State as practicable for  
hunting pursuant to this section.

34           4. Bag limits.   The commissioner shall set bag limits for  
36          this open season that will aid the department in reaching its  
deer harvest goals.

38           5. Hunter orange.   Notwithstanding section 7406, subsection  
40          12, hunter orange clothing is not required during special  
primitive firearms season.

42           6. Restrictions.   The following restrictions apply during  
44          special primitive firearms season.

46          A. The commissioner's authority to regulate the harvest of  
antlerless deer as set forth in section 7457, subsection 1,  
48          paragraph H, applies during the special primitive firearms  
season.

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2           B. Deer tags for the special primitive firearms season must  
3           be issued for use in the same manner as regular deer tags.

4           C. Hunting on Sunday during special primitive firearms  
5           season is prohibited.

6           D. Except as provided in this section, chapters 701 to 721  
7           relating to deer apply to the taking of deer with primitive  
8           firearms.

9           **Sec. 6. 12 MRSA §7406, sub-§9-A, ¶B,** as amended by PL 1999, c.  
10          403, §18, is further amended to read:

11           B. While in or on a motor vehicle or in or on a trailer or  
12           other type of vehicle being hauled by a motor vehicle, has  
13           any firearm with a cartridge or shell in the chamber or in  
14           an attached magazine, clip or cylinder or a muzzle-loading  
15           firearm or a primitive firearm charged with powder, lead and  
16           a primed-ignition device or mechanism.

17           **Sec. 7. 12 MRSA §7406, sub-§12,** as repealed and replaced by PL  
18          1991, c. 824, Pt. A, §21, is amended to read:

19           **12. Hunting without hunter orange clothing.** A Except as  
20           provided in section 7107-B, a person is guilty of hunting without  
21           hunter orange clothing if that person hunts with firearms during  
22           the open firearm season on deer and fails to wear 2 articles of  
23           solid-colored hunter orange clothing that are in good,  
24           serviceable condition and visible from all sides, except that  
25           persons hunting waterfowl from a boat or blind or in conjunction  
26           with waterfowl decoys need not wear hunter orange clothing. One  
27           article of clothing must be a hat. The other article of clothing  
28           must cover a major portion of the torso, such as a jacket, vest,  
29           coat or poncho. The presence of a decal on an article of  
30           clothing that is otherwise solid-colored hunter orange does not  
31           disqualify that article of clothing from satisfying the  
32           requirements of this subsection.

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## SUMMARY

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This bill establishes an annual special primitive firearms hunting season on deer from the 6th Monday preceding Thanksgiving to the 5th Monday preceding Thanksgiving, one week prior to the open season on deer. The bill provides eligibility requirements for a primitive firearms license and establishes a license fee schedule. The bill does not require hunters to wear hunter orange clothing during the special primitive firearms season.

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