



# **120th MAINE LEGISLATURE**

# FIRST REGULAR SESSION-2001

Legislative Document

No. 1785

S.P. 609

In Senate, May 2, 2001

An Act Concerning Disabled Hunters, Trappers and Anglers.

Reported by Senator Carpenter for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order S.P. 55

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JOY J. O'BRIEN Secretary of the Senate

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

## Sec. 1. 12 MRSA §7035, sub-§21 is enacted to read:

21. Disabled hunter, trapper and angler advisory committee. The commissioner shall establish a disabled hunter, 6 trapper and angler advisory committee composed of 4 disabled 8 persons, a licensed physician, a representative of state agencies that work on disability issues, 2 statewide organizations representing hunters, trappers or anglers, and one interested 10 person. The purpose of the advisory committee is to advise the commissioner on applications for a special permit under section 12 7076, subsection 16 and to provide recommendations to the commissioner on ways to promote and enhance access to hunting, 14 fishing and trapping opportunities in this State for disabled 16 persons. The commissioner shall meet with the advisory committee at least twice a year, once during the month of January, February 18 or March and once during the month of July, August or September, to review applications for special permits to accommodate permanent physical disabilities provided for in section 7076, 20 subsection 16 but may meet more often as the commissioner 22 determines necessary. The commissioner may, within existing budgeted resources, reimburse advisory committee members for 24 mileage or other expenses related to their attending meetings of the advisory committee. 26

## Sec. 2. 12 MRSA §7076, sub-§16 is enacted to read:

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	16, Special permits to accommodate permanent physical
30	disabilities. The commissioner may issue a special permit to a
	person with a permanent physical disability that includes special
32	authorization that allows that person to hunt, trap or fish at
	times or in a manner otherwise prohibited by chapters 701 to 721
34	in order to enhance access to hunting, trapping and fishing
	opportunities. No laws or rules may be waived except as are
36	necessary to effect this subsection. A permit may be issued
	under this subsection only if:
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A. The applicant provides the commissioner with a letter
40 signed by a licensed physician clearly stating the nature of
that person's disability, the permanence of the disability
42 and the extent to which the disability affects that person's
ambulatory ability or endurance; use of one or both hands,
44 arms or legs; or sight or hearing;

46	B. The commissioner determines that the permanent physical
	disability prevents that person from safely accessing
48	hunting, trapping or fishing opportunities at the times or
	in the manner allowed by chapters 701 to 721 or by rules
50	adopted pursuant to those chapters; and

 C. The person meets all other requirements for issuance of that permit and related licensing requirements and is not
otherwise ineligible for that permit.

6 Prior to making a determination of eligibility under this subsection, the commissioner or the commissioner's agent shall 8 meet with the applicant in person at a location chosen by the commissioner to discuss the applicant's needs. Each applicant's 10 disability and needs must be reviewed in consultation with the disabled hunter, trapper and angler advisory committee established in section 7035, subsection 21 and a determination 12 made regarding the special authorization that may be made to enhance the applicant's access to fishing, hunting and trapping 14 opportunities. A permit issued under this subsection must be 16 signed by the commissioner and include a clear and specific description of the activities authorized by that permit. The disabled person shall carry the permit whenever that person is 18 hunting, trapping or fishing, and the permit must be presented to 20 a game warden or other law enforcement officer upon request. No laws or rules may be waived except as are necessary to effect 22 this subsection.

24 The commissioner may not authorize any special exception that endangers public safety and may authorize only the minimum 26 special exceptions necessary to overcome the applicant's disability and allow that applicant to safely hunt, trap or 28 fish. A permit issued under this subsection may not authorize a person to exceed the allowable bag or size limits for any fish or 30 wildlife species; to fish for or take a fish or wildlife species for which a license is not otherwise issued; to fish for, trap or 32 hunt a fish or wildlife species more than 7 days before the opening or more than 7 days after the closing of the regular open 34 season for that species; or to fish, trap or hunt in any area permanently closed to those activities by state law or rule.

#### FISCAL NOTE

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40 The Department of Inland Fisheries and Wildlife will incur some minor additional costs to establish a Disabled Hunter, 42 Trapper and Angler Advisory Committee and to issue certain special licenses for persons with permanent physical 44 disabilities. These costs can be absorbed within the department's existing budgeted resources.

#### SUMMARY

50 This bill allows the Commissioner of Inland Fisheries and Wildlife to authorize special exceptions for individuals with a

permanent physical disability that allow those persons to 2 lawfully hunt, trap or fish at times or in a manner that would otherwise be prohibited by laws or rules administered by the Department of Inland Fisheries and Wildlife. 4 The commissioner may authorize only the minimum special exceptions necessary to 6 overcome the applicant's disability and may not authorize any special exception that endangers the public safety or that 8 threatens the resource. No exceptions may be granted that would allow a person to exceed bag or size limits; to fish for or take a fish or wildlife species for which a license is not otherwise 10 issued; to fish for, trap or hunt a fish or wildlife species more than 7 days before or after the regular open season for that 12 species; or to fish, trap or hunt in any area permanently closed 14 to those activities.

Each applicant for such a permit shall present 16 the commissioner with a letter signed by a physician stating that the 18 person has a physical disability that permanently and substantially restricts that person's ambulatory ability or endurance; the use of one or both hands, arms or legs; or sight 20 or hearing. The commissioner is then required to meet with each applicant in person to determine if that disability prevents that 22 person from safely hunting, trapping or fishing under existing laws and rules. 24

26 Prior to making any final decision on such license applications, the bill requires the commissioner to discuss each 28 application with a newly created disabled hunter, trapper and angler advisory committee. The committee, which must meet at 30 least twice a year, is composed of 4 disabled persons, a licensed physician, representatives of state agencies that work on 32 disability issues, 2 statewide organizations representing hunters, trappers or anglers, and one interested individual.