

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1785

S.P. 609

In Senate, May 2, 2001

### An Act Concerning Disabled Hunters, Trappers and Anglers.

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

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

JOY J. O'BRIEN  
Secretary of the Senate

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

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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, trapper and angler advisory committee composed of 4 disabled 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 person. The purpose of the advisory committee is to advise the commissioner on applications for a special permit under section 7076, subsection 16 and to provide recommendations to the commissioner on ways to promote and enhance access to hunting, fishing and trapping opportunities in this State for disabled persons. The commissioner shall meet with the advisory committee at least twice a year, once during the month of January, February 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, subsection 16 but may meet more often as the commissioner determines necessary. The commissioner may, within existing budgeted resources, reimburse advisory committee members for mileage or other expenses related to their attending meetings of the advisory committee.

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

16. Special permits to accommodate permanent physical disabilities. The commissioner may issue a special permit to a person with a permanent physical disability that includes special authorization that allows that person to hunt, trap or fish at times or in a manner otherwise prohibited by chapters 701 to 721 in order to enhance access to hunting, trapping and fishing opportunities. No laws or rules may be waived except as are necessary to effect this subsection. A permit may be issued under this subsection only if:

A. The applicant provides the commissioner with a letter signed by a licensed physician clearly stating the nature of that person's disability, the permanence of the disability and the extent to which the disability affects that person's ambulatory ability or endurance; use of one or both hands, arms or legs; or sight or hearing;

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



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

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

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