

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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**Legislative Document**

**No. 888**

H.P. 665

House of Representatives, February 20, 2003

### **An Act To Establish a Season for Hunting Deer with Primitive Muzzle-loading Firearms**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative ANNIS of Dover-Foxcroft.  
Cosponsored by Representative SNOWE-MELLO of Poland, Senator NASS of York and  
Representatives: CARR of Lincoln, DUNLAP of Old Town, PINEAU of Jay, RICHARDSON  
of Greenville, TOBIN of Windham, TOBIN of Dexter, TRAHAN of Waldoboro, Senator:  
WOODCOCK of Franklin.

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

Sec. 1. 12 MRSA §7001, sub-§29-B is enacted to read:

29-B. Primitive muzzle-loading firearm. "Primitive muzzle-loading firearm" means a rifled or smooth-bored firearm the a single barrel that is:

A. Capable of being loaded only through the muzzle;

B. Ignited by a matchlock, wheel lock or flintlock mechanism;

C. Capable of firing only a single charge;

D. Charged only with black powder or a black powder replica;

E. Loaded with a round lead ball or charge of shot; and

F. Equipped only with open or aperture sights.

Sec. 2. 12 MRSA §7076, sub-§1, as amended by PL 2001, c. 690, Pt. B, §1 and affected by §5, 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-A, a pheasant hunting permit under section 7106-B, a muzzle-loading hunting license under section 7107-A, a primitive muzzle-loading hunting license under section 7107-B, a migratory waterfowl permit under section 7109 and a bear hunting permit under section 7110 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.

2 Beginning January 1, 2006, the department may not issue a  
complimentary license to a resident over 70 years of age. A  
4 complimentary license issued to a resident over 70 years of age  
prior to January 1, 2006 is valid as long as the holder of the  
6 license satisfies the residency requirements set out in section  
7001, subsection 32.

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9 **Sec. 3. 12 MRSA §7076, sub-§4-B,** as amended by PL 2001, c.  
10 690, Pt. B, §2 and affected by §5, is further amended to read:

12 **4-B. Resident disabled veteran.** A resident disabled  
veteran may apply to the commissioner for one or more of the  
14 following complimentary permits and licenses: a license to hunt  
with a firearm, a license to trap, a license to fish, archery  
16 hunting licenses as provided in section 7102-A, a pheasant  
hunting permit as provided in section 7106-B and, a  
18 muzzle-loading hunting license as provided in section 7107-A and  
a primitive muzzle-loading hunting license as provided in section  
20 7107-B. The commissioner shall issue the permit, license or  
licenses requested under this subsection if the commissioner  
22 determines the applicant is a resident disabled veteran and is  
not otherwise ineligible to hold that permit or license. For the  
24 purposes of this subsection, "resident disabled veteran" means a  
person who:

26 A. Is a resident as defined in section 7001, subsection 32;

28 B. Is a veteran as defined in Title 37-B, section 505,  
30 subsection 1, paragraph A, subparagraph (5); and

32 C. Has a service-connected disability evaluated at:

34 (1) One hundred percent; or

36 (2) Seventy percent or more as a result of honorable  
military service and who has served in a combat zone  
38 during any armed conflict in which participants were  
exposed to war risk hazards as defined in 42 United  
40 States Code, Section 1711 (b).

42 Each application must be accompanied by satisfactory evidence  
that the applicant meets the requirements of this subsection. A  
44 permit or license issued under this subsection remains valid for  
the life of the permit or license holder, as long as the permit  
46 or license holder continues to satisfy the residency requirement  
in section 7001, subsection 32 and the permit or license is not  
48 revoked or suspended.

50 **Sec. 4. 12 MRSA §7107-B** is enacted to read:

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2 area, if, in the commissioner's opinion, an immediate emergency  
3 action is necessary because of adverse weather conditions or  
4 severe hunting pressure.

5 **5. Restrictions.** The following restrictions apply during  
6 the primitive muzzle-loading open season as established in  
7 subsection 4.

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10 A. Section 7457, subsection 1, paragraph H, as regards the  
11 commissioner's authority to regulate the harvest of  
12 antlerless deer, is applicable during the primitive  
13 muzzle-loading hunting season.

14 B. Deer tags for the primitive muzzle-loading open season  
15 must be issued for use in the same manner as regular deer  
16 tags.

17 C. Except as provided in this section, chapters 701 to 721  
18 relating to deer apply to the taking of deer with primitive  
19 muzzle-loading firearms.

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21 **Sec. 5. 12 MRSA §7161, sub-§1, ¶E,** as amended by PL 2001, c.  
22 690, Pt. B, §4 and affected by §5, is further amended to read:  
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25 E. For a resident 70 years of age or older. A person who  
26 holds a valid senior lifetime license under this section  
27 upon turning 70 years of age may obtain at no cost a hunting  
28 license, fishing license, trapping license, archery license  
29 under section 7102-A, a pheasant hunting permit under  
30 section 7106-B, a muzzle-loading hunting license under  
31 section 7107-A, a primitive muzzle-loading hunting license  
32 under section 7107-B, a migratory waterfowl permit under  
33 section 7109, a bear hunting permit under section 7110 and  
34 renew a guide license under section 7311. A person who is  
35 70 years of age or older may purchase a senior lifetime  
36 license that entitles the holder to all the privileges  
37 described in this paragraph for a one-time \$8 fee.

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39 **Sec. 6. 12 MRSA §7377, sub-§1,** as amended by PL 2001, c. 270,  
40 §1, is further amended to read:

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42 **1. Hunting.** Notwithstanding section 7371 as it applies to  
43 subchapter II 2, any resident over 10 years of age and any member  
44 of the resident's immediate family over 10 years of age, as long  
45 as the hunter's license to hunt is not under suspension or  
46 revocation, may hunt without a license, including an archery  
47 hunting license and, a muzzle-loading hunting license and a  
48 primitive muzzle-loading hunting license, on any single plot of  
49 land:  
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2 A. To which they are legally entitled to possession;

4 B. On which they are actually domiciled;

6 C. ~~Which~~ That is used exclusively for agricultural purposes; and

8 D. ~~Which~~ That is in excess of 10 acres.

10 **Sec. 7. 12 MRSA §7406, sub-§9-A, ¶B,** as amended by PL 1999, c.  
12 403, §18, is further amended to read:

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

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22 **SUMMARY**

24 This bill defines "primitive muzzle-loading firearm" and  
26 creates a special primitive muzzle-loading hunting season for  
deer from the 10th Monday preceding Thanksgiving Day to the 9th  
Monday preceding Thanksgiving.