

MAINE STATE LEGISLATURE

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R.M.
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L.D. 67

DATE: 4/20/15

(Filing No. H-152)

INLAND FISHERIES AND WILDLIFE

MAJORITY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 63, L.D. 67, Bill, "An Act To Allow the Use of Crossbows for Hunting"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 12 MRSA §10108, sub-§6-A is enacted to read:

6-A. Crossbow hunting education program. The commissioner shall establish a program for training individuals in safe and responsible crossbow hunting skills and behavior. This program may include instruction in fisheries and wildlife laws, rights of 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 crossbow hunting to establish this program.

In establishing the program, the commissioner shall:

A. Prescribe the qualifications of instructors;

B. Provide liability insurance for each instructor authorized by the commissioner to conduct training under the program protecting that person from liability for damages during the time when instruction is being given. The cost of this insurance must be borne by the State and charged against funds credited to the department;

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2 C. Prescribe the type and length of instruction and the
 time and place of examinations; and

4
6 D. Issue a certificate of competency to individuals who
 successfully complete the examination.

8 Sec. 2. 12 MRSA §10953 is enacted to read:

10 §10953. Open seasons for hunting with crossbow

12 1. Species and seasons. Except as provided in this Part, a
 person may hunt bear with a crossbow during the open season on
14 bear as provided in section 11251 and may hunt deer with a
 crossbow during the open firearm season on deer as provided in
16 section 11401. This subsection does not authorize a person to
 hunt deer with a crossbow during an expanded archery season
18 established under section 11403 or in an expanded archery zone or
 during the muzzle-loading-only deer hunting season established
20 under section 11404.

22 2. Rulemaking. The commissioner shall adopt rules
 regulating the use of crossbows for hunting that include but are
24 not limited to restrictions on size, bolts, broadheads, sighting
 devices and safety mechanisms. The commissioner shall adopt
26 rules that prohibit the use of hand-held or pistol-type crossbows
 and crossbows with a draw weight of less than 100 pounds or more
28 than 200 pounds. Rules adopted pursuant to this subsection are
 routine technical rules as defined in Title 5, chapter 375,
30 subchapter 2-A.

32 Sec. 3. 12 MRSA §11106-A is enacted to read:

34 §11106-A. Eligibility for crossbow hunting license

36 1. Big game license. A resident or nonresident 16 years of
 age or older who has satisfied the requirements of subsection 3
38 and holds a valid big game license may obtain a crossbow license
 to hunt with a crossbow from the commissioner or the
40 commissioner's authorized agent.

42 2. Junior license. A resident or nonresident 10 years of
 age or older and under 16 years of age may hunt with a crossbow
44 if that person holds a valid junior hunting license.

46 3. Crossbow hunter education requirements. A person who
 applies for a crossbow hunting license, other than a junior
48 hunting license, must submit proof of having successfully
 completed an archery hunting education course and a crossbow
50 hunting course as described in section 10108 or equivalent

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2 crossbow and archery hunting education courses or satisfactory
3 evidence of having previously held adult archery and crossbow
4 hunting licenses issued specifically for the purpose of hunting
5 with a crossbow or bow and arrow in this State or any other
6 state, province or country in any year after 1979.

7 When proof or evidence cannot be otherwise provided, the
8 applicant may substitute a signed affidavit that the applicant
9 has previously held the required adult crossbow and archery
10 hunting license or has successfully completed the required
11 crossbow and archery hunting education courses.

12 **Sec. 4. 12 MRSA §11108, sub-§1,** as enacted by PL 2003, c. 414,
13 Pt. A, §2 and affected by c. 614, §9, is amended to read:

14 **1. On certain land.** Notwithstanding section 11109,
15 subsection 1 as it applies to this subchapter, a resident over 10
16 years of age and a member of the resident's immediate family over
17 10 years of age, as long as the hunter's license to hunt is not
18 under suspension or revocation, may hunt without a license,
19 including, but not limited to, an archery hunting license, a
20 crossbow hunting license and a muzzle-loading license, on a
21 single plot of land:

- 22 A. To which they are legally entitled to possession;
- 23 B. On which they are actually domiciled;
- 24 C. That is used exclusively for agricultural purposes; and
- 25 D. That is in excess of 10 acres.

26 **Sec. 5. 12 MRSA §11109, sub-§§8 and 9** are enacted to read:

27 **8. Issuance of crossbow hunting license; agent's fee.**
28 Clerks or other agents appointed by the commissioner to issue
29 crossbow hunting licenses must charge a fee of \$1 for each
30 crossbow hunting license issued. The commissioner shall charge a
31 fee of \$1 for each crossbow hunting license issued by department
32 employees.

33 **9. Crossbow licenses and fees.** Crossbow hunting licenses
34 and fees are as follows:

- 35 A. A resident crossbow hunting license is \$25;
- 36 B. A nonresident crossbow hunting license is \$48; and
- 37 C. An alien crossbow hunting license is \$72.

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2 **Sec. 6. 12 MRSA §11214, sub-§1, ¶G**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4 G. ~~Hunt~~ Except as provided in section 10953, hunt a wild animal or wild bird with a crossbow or set bow;

6 **Sec. 7. 15 MRSA §393, sub-§1**, as amended by PL 2001, c. 549, §2, is further amended to read:

10 **1. Possession prohibited.** A person may not own, possess or have under that person's control a firearm or crossbow, unless that person has obtained a permit under this section, if that person:

14 A-1. Has been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing:

16 (1) A crime in this State that is punishable by imprisonment for a term of one year or more;

18 (2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

20 (3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

22 (4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

24 (5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

26 (a) A firearm or crossbow against a person; or

28 (b) Any other dangerous weapon;

30

2 C. Has been adjudicated in this State or under the laws of
the United States or any other state to have engaged in
4 conduct as a juvenile that, if committed by an adult, would
have been a disqualifying conviction:

6 (1) Under paragraph A-1, subparagraphs (1) to (4) and
bodily injury to another person was threatened or
8 resulted; or

10 (3) Under paragraph A-1, subparagraph (5); or

12 D. Is subject to an order of a court of the United States
or a state, territory, commonwealth or tribe that restrains
14 that person from harassing, stalking or threatening an
intimate partner, as defined in 18 United States Code,
16 Section 921(a), of that person or a child of the intimate
partner of that person, or from engaging in other conduct
18 that would place the intimate partner in reasonable fear of
bodily injury to the intimate partner or the child, except
20 that this paragraph applies only to a court order that was
issued after a hearing for which that person received actual
22 notice and at which that person had the opportunity to
participate and that:

24 (1) Includes a finding that the person represents a
26 credible threat to the physical safety of an intimate
partner or a child; or

28 (2) By its terms, explicitly prohibits the use,
30 attempted use or threatened use of physical force
against an intimate partner or a child that would
32 reasonably be expected to cause bodily injury.

34 For the purposes of this subsection, a person is deemed to have
been convicted upon the acceptance of a plea of guilty or nolo
36 contendere or a verdict or finding of guilty, or of the
equivalent in a juvenile case, by a court of competent
38 jurisdiction.

40 For the purposes of this subsection, a person is deemed to have
been found not criminally responsible by reason of mental disease
42 or defect upon the acceptance of a plea of not criminally
responsible by reason of insanity or a verdict or finding of not
44 criminally responsible by reason of mental disease or defect, or
of the equivalent in a juvenile case, by a court of competent
46 jurisdiction.

48 **Sec. 8. 15 MRSA §393, sub-§1-A**, as amended by PL 2001, c. 549,
§3, is further amended to read:

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1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm or crossbow for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

Sec. 9. 15 MRSA §393, sub-§2, as amended by PL 1993, c. 368, §3, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Commissioner of Public Safety for a permit to carry a firearm or crossbow. That person may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252.

Sec. 10. 15 MRSA §393, sub-§3, as enacted by PL 1977, c. 225, §2, is amended to read:

3. Contents. The An application shall under subsection 2 must be on a form prepared by the Commissioner of Public Safety. The application shall must include the following: The the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm or crossbow sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation; the reason for the request; and any other information deemed determined by the commissioner to be of assistance. The application shall must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge which that are the subject of the conviction.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Division of Public Information and Education 0729

Initiative: Appropriates funds for the costs of offering a crossbow hunting education program.

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2	GENERAL FUND	2005-06	2006-07
	All Other	\$5,000	\$1,000
4		<hr/>	<hr/>
	GENERAL FUND TOTAL	\$5,000	\$1,000

Savings Fund Program 0822

Initiative: Appropriates funds to be used only to avoid future fee increases.

12	GENERAL FUND	2005-06	2006-07
	All Other	\$6,850	\$13,700
14		<hr/>	<hr/>
	GENERAL FUND TOTAL	\$6,850	\$13,700

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF
DEPARTMENT TOTALS**

20		2005-06	2006-07
	GENERAL FUND	\$11,850	\$14,700
22		<hr/>	<hr/>
	DEPARTMENT TOTAL - ALL FUNDS	\$11,850	\$14,700

Sec. 12. Effective date. This Act takes effect January 1, 2006.'

SUMMARY

This amendment replaces the bill and:

1. Allows the use of crossbows to hunt bear and deer during the regular firearms season on those species and clarifies that a person may not use crossbows to hunt deer during an expanded season or in expanded archery zones or in the muzzle-only deer season;

2. Establishes a crossbow hunting license and sets the fees;

3. Requires a person to hold a valid big game hunting license to be eligible for a crossbow hunting license;

4. Requires the Department of Inland Fisheries and Wildlife to adopt rules regulating the use of crossbows for hunting that include a prohibition against the use of pistol-type crossbows or crossbows with a draw weight of less than 100 pounds or more than 200 pounds;

10/5

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2 5. Requires the Commissioner of Inland Fisheries and
Wildlife to establish a crossbow hunting education course;

4 6. Requires a person to complete both the crossbow and the
6 archery hunting education courses prior to obtaining a crossbow
license;

8 7. Prohibits the possession of a crossbow by a convicted
10 felon until 5 years after the person is discharged from the
sentences imposed; and

12 8. Makes this Act effective January 1, 2006.

14
16

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 67

LR 0046(02)

An Act To Allow the Use of Crossbows for Hunting

Fiscal Note for Bill as Amended by Committee Amendment *A*"

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
Net Cost (Savings)				
General Fund	\$0	\$0	\$0	\$0
Appropriations/Allocations				
General Fund	\$11,850	\$14,700	\$14,200	\$14,200
Revenue				
General Fund	\$11,850	\$14,700	\$14,200	\$14,200

Fiscal Detail and Notes

Establishing fees for crossbow hunting licenses will increase General Fund revenue collected by the Department of Inland Fisheries and Wildlife by an estimated \$6,850 and \$13,700 in fiscal years 2005-06 and 2006-07, respectively. In order to meet the constitutional requirement that the total level of General Fund appropriations must be at least equal to the undedicated revenue collected by the department, the bill includes General Fund appropriations of \$6,850 and \$13,700 for the Savings Fund program in fiscal years 2005-06 and 2006-07, respectively.

Requiring the Department of Inland Fisheries and Wildlife to establish a crossbow hunting education program will require additional General Fund appropriations of \$5,000 and \$1,000 in fiscal years 2005-06 and 2006-07, respectively. The department will collect additional General Fund revenues in the same amounts from fees charged to individuals taking the education program.