

MAINE STATE LEGISLATURE

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Date: 5/31/17 majority

(Filing No. H-349)

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 484, L.D. 693, Bill, "An Act To Clarify the Laws Governing Hunting from a Vehicle"

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

Sec. 1. 12 MRSA §11212, as amended by PL 2015, c. 327, §1, is repealed.

Sec. 2. 12 MRSA §11212-A is enacted to read:

§11212-A. Hunting or shooting from a motor vehicle or motorboat

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Loaded firearm or crossbow" means a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism or a cocked and armed crossbow.

B. "Vehicle" means a motor vehicle or a trailer or other type of vehicle being hauled by a motor vehicle.

2. Prohibition; vehicles. A person may not shoot while in or on a vehicle, have a loaded firearm or crossbow while in or on a vehicle or rest a loaded firearm or crossbow on a vehicle except as provided in subsection 3.

3. Exceptions. The following exceptions apply to subsection 2.

A. While hunting, a person who is not in or on a vehicle may rest a loaded firearm or crossbow that is under the person's control on the vehicle to shoot only when the vehicle is not in motion and the engine of the vehicle is not running.

B. While hunting, a person who is on but not within an enclosed area or passenger compartment of an all-terrain vehicle or snowmobile may shoot a firearm or crossbow or rest a loaded firearm or crossbow that is under the person's control on the all-terrain vehicle or snowmobile to shoot only when the all-terrain vehicle or

COMMITTEE AMENDMENT

ROFS

1 snowmobile is not in motion and the engine of the all-terrain vehicle or snowmobile
2 is not running.

3 C. While target shooting and not hunting, a person who is on but not within an
4 enclosed area or passenger compartment of a vehicle may shoot a firearm or
5 crossbow or rest a loaded firearm or crossbow that is under the person's control on the
6 vehicle to shoot only when the vehicle is not in motion and the engine of the vehicle
7 is not running.

8 D. Notwithstanding paragraph A, a paraplegic or single or double amputee of the
9 legs may shoot from a vehicle that is not in motion.

10 E. A person who is 21 years of age or older and is not otherwise prohibited from
11 possessing a firearm or is 18 years of age or older and under 21 years of age and is on
12 active duty in the Armed Forces of the United States or the National Guard or is an
13 honorably discharged veteran of the Armed Forces of the United States or the
14 National Guard and is not otherwise prohibited from carrying a firearm may have in
15 or on a vehicle a loaded pistol or revolver.

16 **4. Prohibition; motorboats.** A person may not shoot while in or on a motorboat,
17 except that:

18 A. A person may hunt migratory waterfowl from a motorboat in accordance with
19 federal regulations; and

20 B. A person may shoot from a motorboat if that boat is not being propelled by its
21 motor.

22 **5. Possession of wild animals or wild birds.** A person may not possess a wild
23 animal or wild bird taken in violation of subsections 2 or 3, except as otherwise provided
24 in this Part.

25 **6. Penalty.** A person who violates this section commits a Class E crime.'

SUMMARY

27 This amendment replaces the bill. The amendment prohibits a person, while hunting,
28 from shooting a firearm or crossbow while in or on a motor vehicle other than an ATV or
29 snowmobile and possessing a loaded firearm or a crossbow in a motor vehicle other than
30 an ATV or snowmobile or while in or on a trailer or another vehicle being hauled by a
31 motor vehicle, except that a person may rest a loaded firearm or crossbow that is under
32 the person's control on a motor vehicle other than an ATV or snowmobile as long as the
33 motor vehicle is not moving and its engine is off. The amendment prohibits a person from
34 shooting while in an enclosed area or passenger compartment of an ATV or snowmobile,
35 but allows a person to shoot a firearm or crossbow from or rest a loaded firearm or
36 crossbow on the ATV or snowmobile when the ATV or snowmobile is not in motion and
37 its engine is off. The amendment also provides that a person who is target shooting and
38 not within an enclosed area or passenger compartment of a motor vehicle, trailer or other
39 vehicle being hauled by a motor vehicle may shoot a firearm or crossbow when the motor
40 vehicle, trailer or other type of vehicle is not in motion and the engine is not running.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 693

LR 1434(02)

An Act To Clarify the Laws Governing Hunting from a Vehicle

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-349)

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Eliminates Class E crimes.

A reduction in fines will decrease General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Department of Inland Fisheries and Wildlife as a result of clarifications to the laws prohibiting the discharge of a weapon while in a motor vehicle, ATV, snowmobile or motorboat are anticipated to be minor and can be absorbed within existing budgeted resources.