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State of Maine
119th Legislature
First Regular Session

Interim Report of a Study to Explore Disability Access Issues
in Relation to Outdoor Sporting Activities

May 1999

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EXECUTIVE SUMMARY

The purpose of this interim report is to assist the Joint Standing Committee on Inland Fisheries and Wildlife in understanding the Legislature's obligations and options regarding disability access issues as they relate to outdoor sporting activities (hunting and fishing.) Many bills were introduced in the First Regular Session of the 119th Legislature that dealt with some aspect of access to outdoor activities by individuals with disabilities. [See Table 1, page 2, for a complete list of disability related bills proposed during the First Regular Session of the 119th Legislature referred to the Joint Standing Committee on Inland Fisheries and Wildlife.] In late January 1999, Representative Matthew Dunlap, House Chair of the Joint Standing Committee on Inland Fisheries and Wildlife sent a letter of request for information to the fish and wildlife agencies of the other states. The resulting information provided an overview of the types of sporting accommodations other states are currently providing to their residents with disabilities along with a general representation of the types of criteria states use to determine eligibility. In total, **33 states** responded to the letter with information about disability access in their states. Although the other states report a wide spectrum of programs and procedures, the most common types of eligibility criteria and special accommodations are listed below. [See Appendix C, State Eligibility Criteria Chart and Appendix D, State Accommodations Chart]

Frequently reported criteria for eligibility: (See Table 2, page 7, Disability Access Criteria Response.)

- the need for a permit or special application (27 states)
- the need for a physician's statement (22 states)
- the authority for disability accommodation is established by law (21 states)
- the use of specific wording of criteria of disabling conditions for allowance of accommodation (16 states)
- the differentiation between a disabled veteran and other disabled individuals (12 states)
- the use of a specific 'percentage of disability' (12 states)
- the requirement to be permanently disabled (11 states)
- the requirement that accommodation be based on receipt of some form of disability income (10 states)
- the use of general wording of criteria of disabling conditions for allowance of accommodation (9 states)
- the authority for disability accommodation is established by special provision (8 states)
- the authority for disability accommodation is established by rule (7 states)

Frequently reported accommodations provided: (See Table 3, page 8, Disability Accommodation Response.)

- the permission to hunt from a stationary vehicle (27 states)
- the allowance to use a cross bow during the archery hunting season (26 states)

- the allowance of some type of accommodation for fishing (15 states)
- the offer of free or reduced licenses (13 states)
- the creation of special hunting or fishing areas with disability access (9 states)
- the allowance for individuals with disabilities to enlist an aide, assistant, or proxy (9 states)
- the allowance for individual special requests to the department or a committee (8 states)
- the creation of special activities for individuals with disability (4 states)
- the accommodations are still in the process of being determined (2 states)

The primary objective of this interim report is to provide a cornerstone of information that will help identify questions to be examined in subsequent research in preparation for committee discussion of the related bills in the Second Regular Session of the 119th Legislature. The following questions need to be studied more fully and will be researched during the legislative interim:

- What are the outdoor disability access requirements under federal and state law?
- Is Maine meeting the access requirements as they relate to sporting activities?
- What are the wildlife access wants/needs of individuals with disabilities in Maine?
- What is the appropriate terminology to use for disabling conditions and disabled individuals?
- What is the intent of ADA as it relates to outdoor recreational activities?
- What options are available for Maine's wilderness areas where services are limited or nonexistent?
- Should Maine's access legislation merely fulfill the legal obligation of the current ADA interpretation--or should Maine undertake other steps beyond the minimum requirements to provide full access to disabled individuals for outdoor sporting activities?
- Will disability access erode the value of pristine wilderness?
- For example, if Maine provides complete access to its wildlife resources will those areas lose the special quality that inherently defines them as 'wild'?
- How does Maine appropriately balance access by the disabled community that may require special accommodations and stewardship of the natural wilderness habitat that may require special protection?

These questions and more illustrate the intense complexity of this issue. The answers will provide a framework for state policy at the crossroads of disability access and wildlife activities.

INTRODUCTION

The purpose of this interim report is to assist the Joint Standing Committee on Inland Fisheries and Wildlife in understanding the Legislature's obligations and options regarding disability access issues as they relate to outdoor sporting activities (hunting and fishing). During the First Regular Session of the 119th Legislature bills concerning the application of the Americans with Disabilities Act (**ADA**) to inland fisheries and wildlife activities were introduced and referred to the Joint Standing Committee on Inland Fisheries and Wildlife. One bill (LD 1225: Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with The Americans with Disabilities Act.) proposed to specifically address the need to monitor current departmental practices for compliance with disability access standards. The other bills (for example, LD 8: An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk; LD 730: An Act to Allow Certain Disabled Persons to Fly-fish With Open-Faced Reels; and LD 1026: An Act to Allow Crossbow Use During Archery Season by a Person Who Has Lost the Use of a Hand) sought to increase disability access by allowing specific accommodations to disabled individuals to certain sporting activities. [See Table 1, page 2, for a complete list of disability related bills proposed during the First Regular Session of the 119th Legislature referred to the Joint Standing Committee on Inland Fisheries and Wildlife.] Each of these bills raised legal and policy questions surrounding the connection of ADA and Inland Fisheries and Wildlife. The following questions led to the decision to study this situation more fully:

- What are the requirements for disability access accommodations under federal and state law?
- Is Maine meeting the access requirements?
- What is the intent of ADA as it relates to outdoor recreational activities?
- Which standard more closely adheres to Maine's vision of 'quality of life'?
- What options are available for Maine's wilderness areas where services are limited or nonexistent?

By vote of the Joint Standing Committee on Inland Fisheries and Wildlife, the disability related bills have been carried over until the Second Regular Session of the 119th Legislature to allow for a more comprehensive study of this sensitive issue. The report that follows is the compilation of information received to date from other states in response to a letter from Representative Matthew Dunlap, House Chair of the Joint Standing Committee on Inland Fisheries and Wildlife requesting information on disability access issues in other states. [See Appendix A for a copy of the letter.] As you read through this interim report contemplate the information you would need and the questions you would need answered in order to consider shaping the public policy issue of disability access in wildlife areas. Those questions will be instrumental in shaping the framework necessary to complete the next phase of this study and in providing the Legislature with the information needed to undertake the carried over bills next session.

TABLE 1

119th Legislation Dealing With Disability Access to Outdoor Sporting Activities

Referred to the Joint Standing Committee on Inland Fisheries and Wildlife

LD 8; An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk. (Sponsor: Senator Libby)

LD 371; An Act to Allow A Disabled Person to Use a Crossbow during Archery Hunting Season. (Sponsor: Representative Mack)

LD 730; An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels. (Sponsor: Representative Berry)

LD 1026; An Act to Allow Crossbow Use During Archery Season by a Person who has Lost the Use of a Hand. (Sponsor: Representative Cowger)

LD 1052; An Act to Assist Disabled Fly-fishing Anglers. (Sponsor: Senator Nutting)

LD 1225; Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans with Disabilities Act. (Sponsor: Representative Berry)

LD 1338; An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm. (Sponsor: Representative Ahearne)

LD 1390; An Act to Expand Hunting Options for Disabled Military Veterans. (Sponsor: Representative Bragdon)

Referred to the Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1699; An Act to Ensure Compliance With Disability Access Laws by the Baxter State Park Authority. (Sponsor: Representative Clark)

The ADA states “the Nations [sic] proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals”. (42 U.S.C. 12101 Sec. 2 (a) (8))

- Should Maine’s access legislation merely fulfill the legal obligation of the current ADA interpretation--or should Maine undertake other steps beyond the minimum requirements to provide full access to the disabled for outdoor sporting activities?
- If Maine provides complete access to its wildlife resources will those areas lose the special quality that inherently defines them as ‘wild’?, or
- Will disability access erode the value of pristine wilderness?
- How does Maine appropriately balance access by the disabled community that may require special accommodations and stewardship of the natural wilderness habitat that may require special protection?

These questions and more illustrate the intense complexity of this issue. The answers will provide a framework for state policy at the crossroads of disability access and wildlife activities.

METHODOLOGY

This review looked at the text of the ADA, (42 U.S.C. 12101 et seq.) the federal Wilderness Accessibility for People with Disabilities study required by the ADA, the Maine Human Rights Act, (5 § 4551 et seq.) and the information generated by a survey letter of request sent to the other states. Representative Dunlap initiated the study by seeking information from fish and wildlife officials in other states in late January 1999. [See the Appendix section for charts of state criteria and accommodations allowed, as well as a map indicating the respondent states.] In total, **33 states** responded to the letter with information about disability access in their states. The abundance of information received and the rapid response rate of this informal survey suggests this topic also shares attention at the forefront of other states’ wildlife agencies.

State data included in this survey was collected as the result of a letter of request sent to each of the other states’ inland fisheries and wildlife agencies. Materials returned by the states in response to the letter included:

- copies of state statutes, rules, and regulations;
- various public handouts including wildlife hunting, trapping, and fishing guides, access maps, and special disability pamphlets and publications;
- copies of applications and permit requests;
- and various newsletters, newspaper, and magazine articles chronicling the progress of state disability access programs.

At the request of the House Chair of the Joint Standing Committee on Inland Fisheries and Wildlife this information was reviewed and compiled by the Office of Policy and

Legal Analysis to identify the similarities and differences experienced by other states regarding disability access. Additional information was collected from the analysis of various government publications and web sites, both state and federal, that dealt with disability issues. The next phase of this study will include additional research and a more comprehensive review of the available wildlife disability access information. Thus, this interim report is based on a synthesis of quantitative data gleaned from the individual state responses and the more qualitative information derived from the various articles and interpretations of the ADA impact on disability access.

BACKGROUND

Federal Disability Law. ADA refers to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) that was enacted by the United States Congress to provide for certain civil rights of individuals with disabilities. The Americans with Disabilities Act, entitled "**An Act: To Establish a Clear and Comprehensive Prohibition of Discrimination on the Basis of Disability**" became effective in January of 1992. The basic intent of the ADA is to enable people with disabilities to gain more complete access to the everyday life activities that are available to nondisabled individuals. ADA is divided into five titles and covers the major topics of employment, public services (such as public transit), public accommodations (whether owned or operated publicly or privately), telecommunications, and 'miscellaneous' provisions. ADA language is fairly clear about specific issues such as access to public transportation, yet ADA is less precise about the requirements for compliance concerning outdoor activities. Still, the Act recognized that reasonable accommodation standards may pose unique challenges in the area of outdoor recreation and so required a federal wilderness accessibility study.

Specific language in the ADA concerning federal wilderness areas states "no agency is required to provide any form of special treatment or accommodation, or to construct any facilities or modify any conditions of lands within a wilderness area in order to facilitate such use." The ADA refers explicitly to federal wilderness areas as established by the "Wilderness Act." Wilderness Accessibility for People with Disabilities, a federal study done by the National Council on Disability was completed as required by ADA, in the year after ADA was enacted. This wilderness study reviewed federal policies and regulations; determined levels of use of federal wilderness areas by individuals with disabilities; obtained recommendations from programs and outfitters that had provided services to individuals with disabilities; and surveyed federal wilderness area users with disabilities to obtain measures of enjoyment and to solicit suggestions for future improvements. This study was reported back to Congress in June 1992. The results of this federal wilderness accessibility study will be examined in-depth as part of the Office of Policy and Legal Analysis's next phase of research into access accommodations to outdoor activities for individuals with disabling conditions.

State Disability Law. Similar to the ADA but on a state level, the Maine Human Rights Act (5 § 4551 et seq.) is the established mechanism to "review all practices

infringing on the basic human right to a life with dignity” and to “prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, *physical or mental disability*, religion, ancestry or national origin”. The Maine Human Rights Act was enacted in 1973 and amended in 1985 to include ‘mental disability’ and then amended again in 1995 by the First Regular Session of the 117th Legislature to more closely parallel the ADA provisions. With the more recent changes in the Maine Human Rights Act, some sections contain identical language to the ADA. Thus, individuals with disabilities are similarly protected by the ADA and the Maine Human Rights Act. Language within both the ADA and the Maine Human Rights Act states:

“Nothing in this Act shall be construed to invalidate or limit the remedies, rights, and procedures of any ... law of any (S)state or political subdivision of any state or jurisdiction that provides greater or equal protection for the rights of individuals with disabilities than are afforded by this Act.”

This essentially means that current disability standards must be viewed as a baseline of minimal access that the state *must* supply and not as a limit to how much access a state *may* provide.

LIMITATIONS AND ASSUMPTIONS

This survey process has provided a wealth of information regarding what other states do to accommodate disability access in their states. This information can be beneficial as Maine decides what course it will take. However this initial review and collection process also has some limitations and assumptions. The most important point to remember is that the primary intent of this preliminary phase of the study is discovery. Due to the exploratory nature of the initial survey request, no contact was made with any of the disability advocacy groups, disabled individuals, or government agencies designed to deal with disability concerns. Information from other states is helpful for general comparison purposes, but direct comparison is somewhat limited due to the vast array of terms the other states used to describe disabled individuals, their handicapping conditions, and the accommodations states have sought to provide. Ambiguous terminology may mask the actual similarities and differences between the various state programs.

Based on the information received there was no way to know the processes the states used to develop their current policies, the effectiveness of those policies, or the difficulties the states have encountered while implementing those policies.

- How long have other states had their laws?
- Were their regulations in existence prior to ADA, (indicating the state had already recognized the need to address the inequity of access)?
- Or were the accommodations in response to ADA or some other type of discrimination situation experienced by the state?
- Has there been difficulty or controversy when trying to implement policies?

FINDINGS TO DATE OF SURVEY AND RELATED INFORMATION

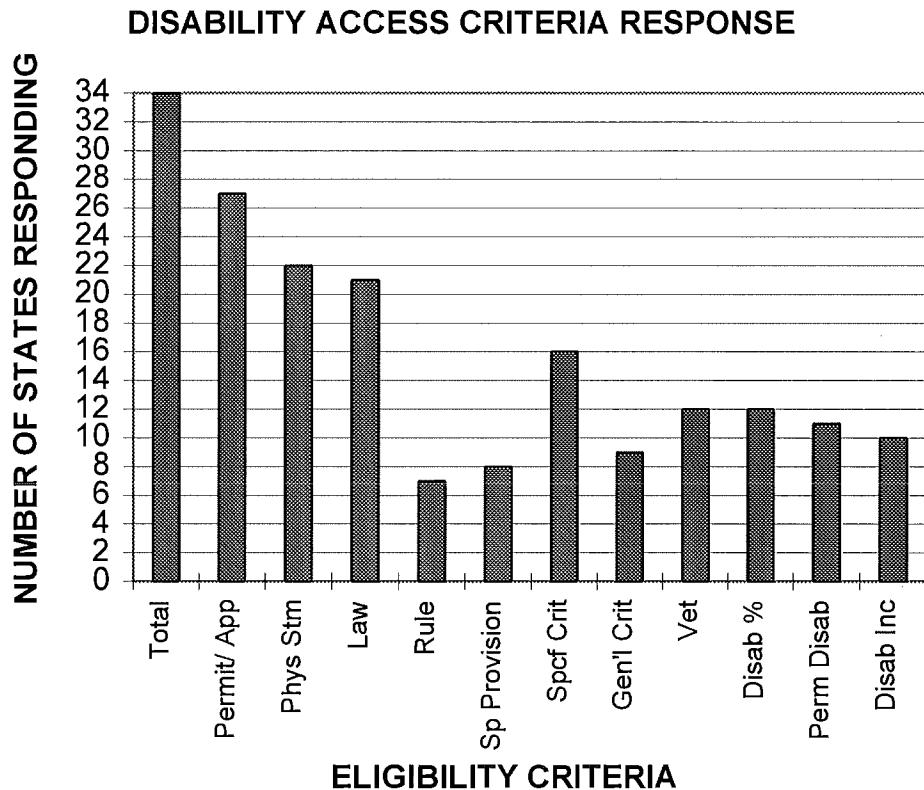
The following findings are based on the voluntary response of **33 states** and the inclusion of data from Maine. Most notably, all states responding identified the need for some type of special accommodation for individuals with disabilities who wish to participate in certain outdoor sporting activities, as illustrated by the existence in states of some type of exceptionality provisions. Hawaii and Pennsylvania were the only states responding that indicated they were currently in the process of developing such standards.

Similarities. In general many of the states have adopted similar mechanisms to increase accessibility although specific differences in terminology and extent make for a wide range of practical applications. For example 11 states indicate some sort of percentage of disability required for consideration of access accommodations, yet the percentages fluctuate widely with a range from 10% (if service connected) in Illinois to 100% in Pennsylvania. [See Appendix C -- State Eligibility Criteria Chart.] Other similarities include requiring some form of documentation or physicians' statement verifying the existence and extent of the disabling condition (22 states), although inconsistency abounds -- even within states. Both Mississippi and South Dakota require a physician's statement for cross bow accommodation, but do not require a physician's statement for a vehicle permit.

Frequently reported criteria for eligibility: (See Table 2, Disability Access Criteria Response, page 7)

- the need for a permit or special application (27 states)
- the need for a physicians statement (22 states)
- the authority for disability accommodation is established by law (21 states)
- the use of specific wording of criteria of disabling conditions for allowance of accommodation (16 states)
- the differentiation between a disabled veteran and other disabled individuals (12 states)
- the use of a specific 'percentage of disability' (12 states)
- the requirement to be permanently disabled (11 states)
- the requirement that accommodation be based on receipt of some form of disability income (10 states)
- the use of general wording of criteria of disabling conditions for allowance of accommodation (9 states)
- the authority for disability accommodation is established by special provision (8 states)
- the authority for disability accommodation is established by rule (7 states)

TABLE 2



[See Appendix B Key for Explanation of Table and Chart Column Titles]

The most common types of special access are; the permission to hunt from a stationary vehicle (27 states) and the allowance to use a cross bow during the archery hunting season (26 states). [See Appendix D -- State Accommodations Chart.] Another of the more frequent considerations is offering free or reduced price licenses for an individual with a disability (13 states.) However Maine and Alaska are the only two states that currently offer a ‘no charge’ hunting or fishing license as the *only* form of special consideration or access accommodation to an individual with a disability. For example some states have created special hunting and fishing seasons, activities, or maintained special areas (often exclusively) for individuals with disabilities.

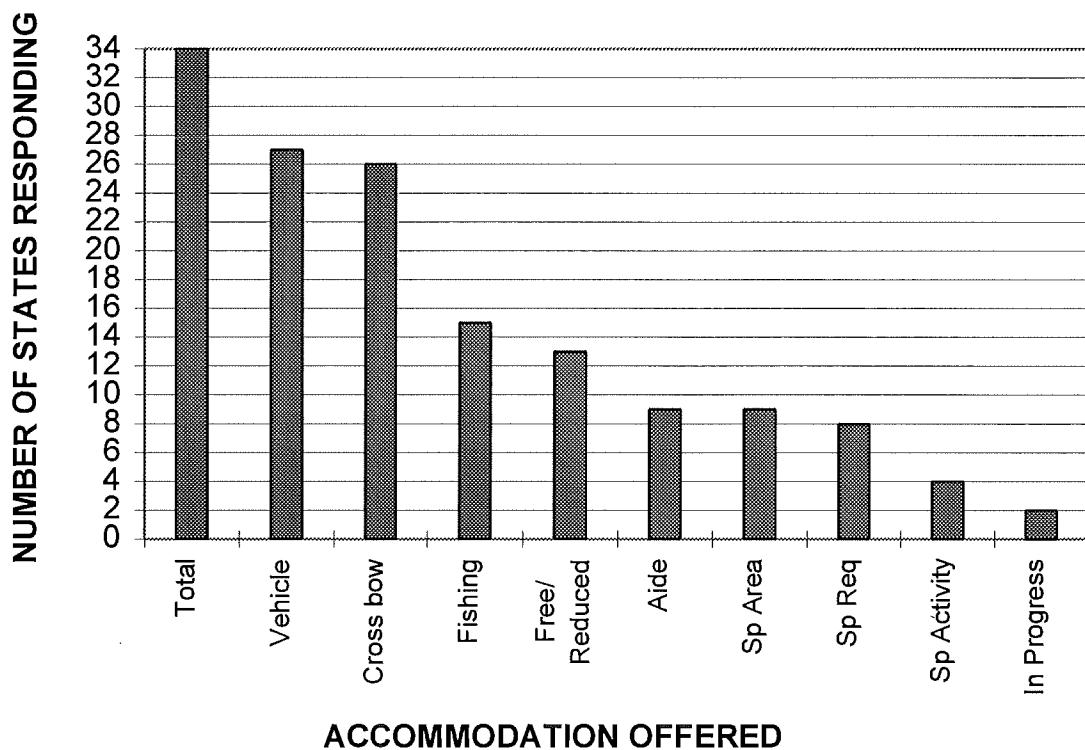
Frequently reported accommodations provided: (See Table 3 Disability Accommodation Response, page 8)

- the permission to hunt from a stationary vehicle (27 states)
- the allowance to use a cross bow during the archery hunting season (26 states)
- the allowance of some type of accommodation for fishing (15 states)
- the offer of free or reduced licenses (13 states)

- the creation of special areas with disability access (9 states)
- the allowance for individuals with disabilities to enlist an aide, assistant, or proxy (9 states)
- the allowance for individual special requests to the department or a committee (8 states)
- the creation of special activities for individuals with disability (4 states)
- the accommodations are still in the process of being determined (2 states)

TABLE 3

DISABILITY ACCOMMODATION RESPONSE



[See Appendix B Key for Explanation of Table and Chart Column Titles]

Twelve states differentiate between services for disabled veterans and accommodations for individuals whose disability arose from other causes. Occasionally states connect the receipt of disability income (whether veteran or otherwise, depending on the state) to the allowance of access accommodations (10 states.) Some states even distinguish between 'the loss of the use of' an arm or leg as distinct from 'the loss of an arm or leg'. (There are no specific statistics included on this situation because of the irregularity of data reported indicating the frequency of occurrence.) Another factor that appeared repeatedly was the mention of a 'permanent' condition (11 states) contrasting

with a 'temporary' condition, although not all states indicated whether this was a criterion in their state, or not. One other frequent occurrence (9 states) was the ability of the disabled individual to select a proxy or have the assistance of an aide while participating in the regular hunting or fishing season.

Differences. One characteristic that varied greatly among states was the amount of flexibility or discretion allowed the wildlife agency in determining accommodations to access. Some states, most notably Colorado, Kentucky, Missouri and North Carolina, give broad discretion to administrators to decide requests for disability accommodations. North Carolina's regulations specifically allow its wildlife commission to "make any reasonable exemption in order to permit a disabled person ... to hunt or fish." In fact other states are so flexible their applications do not mention particular accommodations -- they simply include a question requiring the applicant to request the type of accommodation they want. Indiana's application includes a section to "Describe your disability or handicap" and another section asks "With a Handicapped Hunter Permit, describe exactly your requested method of hunting".

Even the level of documentation required from the physician varies. For example the physician's certification section of Maryland's application simply asks "Does the applicant's condition prevent them from walking or standing for long periods of time?" Yet as flexible as some states were, other states had very precise definitions and eligibility requirements. Wisconsin and Louisiana, for example, both utilize different classification systems of impairment with distinct criteria allowing for different permissions. Mississippi has specific criteria for each of the accommodations granted to individuals with disabilities. For example, in Mississippi cross bow hunting is allowed for individuals who are totally and permanently disabled and have accompanying documentation from two physicians. Special vehicle access in Mississippi is available for paraplegics, hemiplegics, complete single leg amputees, and those individuals requiring the permanent use of a wheelchair, crutches, or other assistive devices. However these individuals do not need a physician's statement. Special vehicle access is also available in Mississippi to certain individuals with cardio or pulmonary conditions if they provide a physician's statement. Other state requirements follow similar patterns and utilize similar descriptions.

Less common, but an interesting occurrence that was mentioned by a few states is the existence of a special review committee or a process to review special requests on a case-by-case basis and then determine an appropriate accommodation in response to that request. Another characteristic mentioned was a reciprocity clause with other states. Most state policies included language that indicated the disability access accommodations were limited to state residents except for a handful of states that mentioned honoring other states' residents if the state in question would also provide a reciprocal accommodation agreement to their residents. Kansas appeared to be the only state that connected requirement for disability accommodations to eligibility for a special handicap motor vehicle license plate. Only Oklahoma mentioned a recognized need to

restrict special accommodations for protection of their wildlife habitat resources. And Michigan, as was mentioned previously, was the only state that indicated it has experienced any difficulty with suspected fraudulent cross bow applications and antlerless deer applications. Michigan recognized that the accommodations did not go far enough in providing access to all deserving groups. Although these last few examples were only mentioned by single states they help illustrate the complexity and range of this disability access issue.

CONCLUSIONS AND SUBSEQUENT ACTION

The primary objective of this interim report is to provide a cornerstone of information that will help identify questions to be examined in subsequent research in preparation for committee discussion of the related bills in the Second Regular Session of the 119th Legislature. The following questions need to be studied more fully and will be researched during the legislative interim:

- What are the outdoor disability access requirements under federal and state law?
- Is Maine meeting the access requirements as they relate to sporting activities?
- What are the wildlife access wants/needs of individuals with disabilities in Maine?
- What is the appropriate terminology to use for disabling conditions and disabled individuals?
- What is the intent of ADA as it relates to outdoor recreational activities?
- What options are available for Maine's wilderness areas where services are limited or nonexistent?
- Should Maine's access legislation merely fulfill the legal obligation of the current ADA interpretation--or should Maine undertake other steps beyond the minimum requirements to provide full access to disabled individuals for outdoor sporting activities?
- Will disability access erode the value of pristine wilderness?
- For example, if Maine provides complete access to its wildlife resources will those areas lose the special quality that inherently defines them as 'wild'?
- How does Maine appropriately balance access by the disabled community that may require special accommodations and stewardship of the natural wilderness habitat that may require special protection?

These questions and more illustrate the intense complexity of this issue. The answers will provide a framework for state policy at the crossroads of disability access and wildlife activities.

Following are the types of information needed to provide guidance to the Joint Standing Committee on Inland Fisheries and Wildlife as it considers disability access to outdoor sporting activities:

- Determine the scope of this continued study (i.e., Study hunting and fishing issues only, or consider the broader issue of access to wildlife areas?);
- Indicate the appropriate types of agencies to be contacted (i.e., Contact remaining state fish and wildlife agencies, the National Council on Disability, the New England ADA Technical Assistance Center, The Maine Human Rights Commission, Maine Advocacy Services, Maine Independent Living Services, and/or additional groups?);
- Provide guidelines, questions, comments, and requests for information needed;
- Contact remaining states and do follow-up to clarify previously reported state data; and
- Review the federal Wilderness Accessibility for People with Disabilities study report for impact, interpretation and implementation guidelines.

The Office of Policy and Legal Analysis, in consultation with the House Chair of the Joint Standing Committee on Inland Fisheries and Wildlife will continue to research and analyze disability access issues in relation to outdoor sporting activities during the summer and fall of 1999. After a thorough examination, the Office of Policy and Legal Analysis will prepare a final report to the Joint Standing Committee on Inland Fisheries and Wildlife for its review prior to January 2000 and the beginning of the Second Regular Session of the 119th Legislature.



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: (207) 287-4469

Matthew Dunlap

176 Middle Street
Old Town, ME 04468
Telephone: (207) 827-8989

25 January, 1999

To whom it may concern:

This year the Maine Legislature is considering a series of bills in reference to disabled access for various hunting and fishing activities. These bills have been referenced to the Joint Standing Committee on Inland Fisheries and Wildlife, of which I am House chair. In order to do justice to the legislation, and to fully ascertain whether any changes in Maine law are necessary or prudent, I am asking for any information your department may provide regarding disabled access issues.

More specifically, does your state have exceptions for disabled individuals to use otherwise prohibited equipment to hunt or fish in otherwise restricted areas or manners, and if so, what are they? For example, Maine law prohibits discharging a firearm from a motor vehicle; an exception is made for those who are single or double amputees. Legislation now pending would also include those individuals who suffer from chronic mobility restraints such as arthritis, et al. Maine also has some restrictions on many of its waters for fishing, allowing fly-fishing only. Pending legislation would allow for those who suffer from chronic mobility issues to use open-face reels and like equipment. There are many compelling arguments for easing some of those restrictions.

The Legislature does not wish to deny anyone the opportunity to enjoy Maine's woods and waters. Some of these affected individuals may be citizens of your state. I would be interested in introducing any testimony your department could provide that might aid us in our deliberations. If you have any questions or information, you may contact me at the above addresses. Until such a time I shall remain

Your servant,

A handwritten signature in black ink, appearing to read "Matthew Dunlap".

Matthew Dunlap
House Chair
Joint Standing Committee on Inland
Fisheries and Wildlife

District 121 Indian Island Voting District and part of Old Town

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Appendix B

Key for Explanation of Table and Chart Column Titles

Aide Does the state allow individuals with disabilities to enlist an aide, assistant or proxy while hunting or fishing?

Disab Inc Is disability income considered as criteria for consideration of an accommodation?

Disab % Does the state use a specific percentage of disability impairment as a criterion for consideration of an accommodation?

Free/Reduced Does the state offer free or reduced licenses as an accommodation to certain individuals with disabilities?

Gen'l Crit Does the state establish general disability criteria and allow for flexibility based on circumstances for consideration of an accommodation?

Hunting and Fishing

No Charge indicates a free license is available to certain individuals with disabilities.

Cross bow indicates the possibility of using a cross bow during archery season for certain individuals with disabilities.

Mech bow indicates the possibility of using a mechanized bow during archery season for certain individuals with disabilities.

Vehicle indicates the possibility of using a vehicle during hunting season for certain individuals with disabilities.

Fishing indicates some type of accommodation (i.e., different facilities, different equipment, different season) for certain individuals who fish.

Elec Motor indicates the possibility of using an electric motor during certain fishing activities for certain individuals with disabilities.

In Progress Did the state indicate they were currently working on disability access issues?

Law Did the responding state send a copy of specific laws or mention the law granting authority to provide accommodations for certain individuals with disabilities?

Perm Disab Is a permanently disabling condition required for consideration of an accommodation?

Permit/App Is a permit or application for access accommodation required?

Appendix B Key for Explanation of Table and Chart Column Titles (Cont'd)

Phys Stm Is a physician's statement required as documentation of a disabling condition?

Rule Did the responding state send a copy of specific rules or mention the rules granting authority to provide accommodations for certain individuals with disabilities?

Sp Activity Does the state coordinate special activities exclusively for certain individuals with disabilities?

Sp Area Does the state provide specially designed or maintained areas for use by certain individuals with disabilities?

Sp Provision Did the state indicate there were special provisions in the laws or rules that allowed them to consider requests for access accommodation?

Sp Req Does the state allow for individuals to make special accommodation requests to the agency or a committee?

Spec Crit Does the state establish specific disability criteria for consideration of an accommodation?

Vet Does the state use different criteria if the disabling condition is a result of their veteran status?

State Survey Response of Eligibility Criteria for Wildlife Sporting Activities

State Survey Response of Eligibility Criteria for Wildlife Sporting Activities													
State/Abbreviation	Response	Permit/App	Phys Stm	Law	Rule	Sp Provision	Spcf Crit	Gen'l Crit	Vet	Disab %	Perm Disab	Disab Inc	
Alaska	AK	02/17/99	Yes	Yes		Yes			Yes	70		Yes	
Arizona	AZ	02/15/99	Yes	Yes		Yes				90	Yes		
Arkansas	AR	02/04/99	Yes	Yes			Yes	Yes			Yes		
Colorado	CO	03/12/99	Yes	Yes		Yes			Yes	60	Yes	Yes	
Delaware	DE	02/09/99	Yes	Yes			Yes	Yes		Yes		Yes	
Florida	FL	02/22/99	Yes	Yes			Yes	Yes		80	Yes		
Hawaii	HI	02/01/99											
Illinois	IL	02/22/99	Yes	Yes	Yes				Yes	10*	Yes	Yes	
Indiana	IN	02/04/99	Yes	Yes			Yes		Yes				
Iowa	IA	02/02/99	Yes	Yes	Yes	Yes			Yes	Yes		Yes	
Kansas	KS	02/12/99	Yes			Yes							
Kentucky	KY	02/04/99	Yes	Yes		Yes			Yes				
Louisiana	LA	02/01/99	Yes	Yes	Yes			Yes					
Maryland	MD	02/10/99	Yes	Yes			Yes		Yes				
Massachusetts	MA	02/11/99	Yes		Yes	Yes**			Yes				
Maine	ME	OPLA	Yes		Yes				Yes		70-100		
Michigan	MI	03/17/99	Yes		Yes				Yes	Yes		80	
Minnesota	MN	02/18/99		Yes	Yes							Yes	
Mississippi	MS	yes		Yes***	Yes						100		
Missouri	MO	02/17/99					Yes	Yes					
New Hampshire	NH	02/17/99	Yes		Yes				Yes		Yes	Yes	
New Jersey	NJ	02/10/99	Yes		Yes				Yes			Yes	
New Mexico	NM	02/26/99	Yes	Yes	Yes				Yes		Yes	Yes	
New York	NY	02/11/99	Yes	Yes	Yes					Yes	40	Yes	
North Carolina	NC	02/11/99	Yes		Yes				Yes				
Ohio	OH	02/08/99			Yes				Yes	Yes			
Oklahoma	OK	02/03/99	Yes	Yes	Yes				Yes		60-100	Yes	
Pennsylvania	PA	02/19/99	Yes	Yes	Yes				Yes		100	Yes	
Rhode Island	RI	02/19/99				Yes							
South Carolina	SC	03/04/99	No	Yes	Yes				Yes				
South Dakota	SD	02/03/99	Yes	Yes***	Yes								
Texas	TX	02/11/99	Yes		Yes				Yes		60	Yes	
Wisconsin	WI	02/17/99	Yes	Yes	Yes				Yes			Yes	
Wyoming	WY	02/04/99	Yes	Yes	Yes				Yes				
	TOTAL	34	27	22	21	7	8	16	9	12	12	11	10

* If disability is service connected

****** Rules do not currently address fishing issues although rule making capacity exists, if necessary.

*** Physician statement necessary for some accommodations but not for others

See Key for Explanation of Column Titles

Accommodations

State Survey Response of Disability Accommodations to Wildlife Sporting Activities										
State/Abbreviation		Hunting		Fishing	Free/Reduced	Aide	Sp Area	Sp Req	Sp Activity	In Progress
Alaska	AK	No Charge		No Charge	Yes	Yes				
Arizona	AZ	Vehicle	Cross bow							
Arkansas	AR	Vehicle					Yes	Yes		
Colorado	CO	Vehicle		No charge	Yes	Yes		Yes		
Delaware	DE	Vehicle	Cross bow	Fishing			Yes			
Florida	FL	Vehicle	Cross bow	Fishing				Yes	Yes	
Hawaii	HI									Yes
Illinois	IL	Vehicle	Cross bow					Yes		
Indiana	IN	Vehicle	Cross bow			Yes		Yes		
Iowa	IA	Vehicle	Cross bow		Yes					
Kansas	KS	Vehicle	Cross bow			Yes				
Kentucky	KY	Vehicle	Cross bow	Fishing						
Louisiana	LA	Vehicle	Cross bow				Yes			
Maryland	MD	Vehicle	Cross bow	Fishing			Yes			
Massachusetts	MA	Vehicle	Cross bow	Fishing*	Yes				Yes	
Maine	ME	No Charge		No Charge	Yes					
Michigan	MI	Vehicle	Cross bow							
Minnesota	MN	No Charge	Cross bow	Fishing	Yes	Yes			Yes	
Mississippi	MS		Cross bow				Yes			
Missouri	MO	Vehicle	Cross bow	Fishing						
New Hampshire	NH	Vehicle	Cross bow	Fishing			Yes			
New Jersey	NJ	Vehicle	Cross bow	Fishing						
New Mexico	NM	Vehicle			Yes	Yes		Yes		
New York	NY	Vehicle	Mech. bow		Yes			Yes		
North Carolina	NC	Vehicle	Cross bow	Fishing				Yes		
Ohio	OH	Vehicle				Yes	Yes			
Oklahoma	OK	Vehicle	Cross bow	Fishing						
Pennsylvania	PA	Vehicle	Cross bow				Yes			Yes
Rhode Island	RI					Yes	Yes			
South Carolina	SC		Cross bow							
South Dakota	SD	Vehicle	Cross bow			Yes				
Texas	TX	Vehicle	Cross bow		Yes					
Wisconsin	WI	Vehicle	Cross bow	Elec Motor	Yes				Yes	
Wyoming	WY	Vehicle	Cross bow							
TOTAL	34	27	26	15	13	9	9	8	4	2
* Free fishing license for blind, MR, or paraplegic individuals.					See Key for Explanation of Column Titles					

