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Report Back Provided to the Joint Standing Committee on Inland Fisheries & Wildlife



REPORT BACK ON: Crossbow Hunting

Provided By: The Department of Inland Fisheries & Wildlife

Date: January 10, 2022

INTRODUCTION:

Good morning Senator Dill, Representative Landry and honorable members of the Inland Fisheries and Wildlife Committee. I am Dan Scott, Colonel of the Maine Warden Service. I am here to update you on the expanded use of crossbows due to the passage of [PUBLIC LAW 2019 CHAPTER 98](#) that took effect beginning in 2020 and will remain in effect through the end of 2022 unless the Committee decides to make changes.

Within this report we summarize the increase in participation in our crossbow education courses, the increase in purchases of our crossbow permits, the impact the expansion of crossbow hunting over the last 2 years has had on violations detected and/or changes to the number of warden service calls for service. We also look at the impact it may have had on management and harvest of deer and turkey. We will provide our suggestions for modifications to this law.

In 2019 [PUBLIC LAW CHAPTER 98: An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey](#) went into effect and did the following:

For a period of 3 years, beginning in 2020, this law allows a person to hunt deer with a crossbow during the open archery season on deer and the fall wild turkey hunting season. It specifies that a person who uses a crossbow during the open archery season may not harvest an antlerless deer unless that person possesses an antlerless deer permit (ADP). It required the commissioner to submit a report by January 1, 2023 to the DIFW Legislative Committee with a recommendation on whether to continue this law or not. The committee may report out a bill based on the report.

In 2020 [PUBLIC LAW CHAPTER 637 An Act To Clarify Crossbow-related Hunting Laws](#) went into effect to clarify some portions of the changes to crossbow hunting.

The department provided additional education to the public on these changes which included a crossbow fact sheet to help staff and hunters navigate the complexities of the changes: [Crossbow Fact Sheet Oct 2020](#)

The department also offers a required stand-alone crossbow safety certification course that prepares hunters to utilize crossbows for hunting purposes in a safe and lawful manner. At this time the crossbow course can be completed in-person or online. In-person courses have been incorporated into (added to) many of the archery hunter education courses.

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Legislative request for a Report Back on Crossbow Expansion Law

[PUBLIC LAW CHAPTER 98](#) (LD 27) [An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey](#)

- **Report.** By January 15, 2022, the Commissioner of Inland Fisheries and Wildlife shall submit a report to the joint standing committee of the Legislature having jurisdiction over IFW matters detailing the impact on the deer population from the use of a crossbow in accordance with the Title 12, section 10953, subsection 1, paragraph E and the impact on the turkey population from the use of a crossbow in accordance with Title 12, section 10953, subsection 1, paragraph F.
- The report must include:
 - Whether the commissioner allowed the use of a crossbow in any area where a special archery hunting season on deer was established by the commissioner pursuant to Title 12, section 11402, subsection 4 during the 2020, 2021 or 2022 season.
 - The report must detail any issues or conflicts that arose from the use of a crossbow during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey.
 - Lastly, the report must specify if the use of a crossbow should continue to be permitted during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. The committee may report out a bill to the Second Regular Session of the 130th Legislature based on the report.
***REPORT BACK:** By January 15, 2022

[PUBLIC LAW CHAPTER 98](#) (LD 27) [An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey](#) – is a statewide expansion of the use of crossbows and did permit the use of crossbows in **areas which overlap** with the expanded archery hunting zone as established pursuant to Title 12, section 11402, subsection 4. However, it is important to note that the bill **did not** expand the use of crossbows to be included in the **expanded archery permit authority**. Thus, we did not permit additional crossbow hunters to kill multiple antlerless deer in the expanded archery season under the authority of their expanded archery license. However, during the regular archery season in October, it is permissible for someone to

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be hunting with a crossbow in the expanded archery zone, they are just doing so under the authority of their archery license. Additionally, the Commissioner did not expand the use of crossbows to any of the special regulation areas identified in 12, section 11402, subsection 3.

In response to the increased interest in crossbow hunting as a result of [PUBLIC LAW CHAPTER 98](#) (LD 27), the department developed a fully on-line crossbow education course which could be completed by persons wanting to obtain a crossbow permit, in lieu of attending an in-person course. Below is a summary of participation in that course from 2019 – 2021.

Crossbow Education Course Participation

	In Person	On-line	Total
2019	815	Not offered	815
2020	475	3090	3565
2021	53	3065	3108

The department also tracks sales of crossbow permits. Below is a table summarizing the sale of crossbow permits since 2014.

Crossbow Permit Sales Summary

	2014	2015	2016	2017	2018	2019	2020	2021
Resident	468	553	647	678	783	927	2746	3865
Non Resident	153	174	191	202	215	218	380	447
Res Apprentice	15	11	11	12	14	13	75	64
NR Apprentice	2	2	2	4	1	5	9	9
Total	638	740	851	896	1013	1163	3210	4385

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Summary of Warden Service violations involving the use of crossbows:

It is not unexpected to find more violations encountered as more crossbows and crossbow opportunities are present on the landscape. The number of violations detected in , 2020 and 2021 was 10, 23 and 21 respectively. However, in most of the instances the crossbow itself was not the cause of the violation, just the implement being possessed at the time. One may surmise that many of the same violations may have occurred if the person had been hunting with a bow or rifle instead. The impact to the warden service calls for service and / or violations detected was not excessive.

In 2019, the year prior to the law going into effect, the following cases were documented with the use of crossbow:

Year 2019	# of Cases	Type of Case
	4	Hunting over bait
	2	Illegal expanded archery
	1	Loaded crossbow in motor vehicle
	2	Night hunting
	1	Shooting too close to a dwelling

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In 2020 the 1st year the law was in effect the following cases were documented with the use of crossbow:

Year 2020	# of Cases	Type of Case
	3	Hunting over bait
	1	Bear baiting – no permission
	2	Exceeding bag limit on deer
	1	False registration of deer
	1	Felon – dangerous weapon bail violation
	3	Night hunting
	2	Killed under expanded archery authority
	2	Hunting without license or permit
	2	Hunting without crossbow permit
	3	Killing doe without an antlerless deer permit
	1	Discharge too close to a dwelling
	1	Hunting without crossbow safety course

In 2021 the 2nd year the law was in effect the following cases were documented with the use of crossbow:

Year 2021	# of Cases	Type of Case
	6	Hunting over bait
	2	False registration of a deer
	1	Felon without a license
	3	Night hunting
	2	Fraudulent license purchase
	3	Hunting without a crossbow permit
	4	Trespassing with a crossbow

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IMPACT TO HARVEST & MANAGEMENT OF DEER, BEAR, MOOSE & TURKEY:

Harvest by Bow and Crossbow Table: The table below depicts harvest for bear, deer, moose and turkey during the 2014-2021 Expanded Archery, October/Regular Archery, Firearms and Muzzleloader seasons in Maine by either bow or crossbow (an expanded archery permit during the expanded archery season doesn't allow use of crossbow but someone over the age of 65 or who has a permanent physical disability permit could harvest a deer under that authority with an expanded archery permit). Crossbows were made widely legal for use beginning in 2020 and are scheduled in law to remain that way at least through the 2022 season.

<u>Year</u>	<u>Weapon</u>	<u>Bears Taken</u>	<u>% of Total Harvest</u>	<u>Deer Taken</u>	<u>% of Total Harvest</u>	<u>Moose Taken</u>	<u>% of Total Harvest</u>	<u>Turkeys Taken</u>	<u>% of Total Harvest</u>
2014	Bow	286	8.8%	2,109	9.4%	11	0.5%	102	1.8%
2014	Crossbow	45	1.4%	59	0.3%	0	0.0%	17	0.3%
2015	Bow	226	7.5%	2,090	10.3%	9	0.4%	103	2.0%
2015	Crossbow	38	1.3%	40	0.2%	0	0.0%	12	0.2%
2016	Bow	213	7.5%	1,746	7.4%	13	0.8%	98	1.7%
2016	Crossbow	53	1.9%	74	0.3%	0	0.0%	27	0.5%
2017	Bow	169	5.8%	2,044	7.5%	4	0.20%	103	1.8%
2017	Crossbow	48	1.7%	104	0.4%	1	0.1%	29	0.5%
2018	Bow	227	6.8%	2,160	6.7%	8	0.4%	83	1.3%
2018	Crossbow	62	1.9%	206	0.6%	1	0.1%	43	0.7%
2019	Bow	127	5.4%	2,111	7.5%	8	0.3%	114	1.7%
2019	Crossbow	59	2.5%	224	0.8%	0	0.0%	45	0.7%
2020	Bow	255	6.6%	2,644	8.0%	4	0.1%	N/A	N/A
2020	Crossbow	111	2.9%	720	2.2%	2	0.1%	N/A	N/A
2021	Bow	186	4.9%	2,355	6.1%	9	0.3%	112	1.9%
2021	Crossbow	95	2.5%	1,106	2.8%	5	0.2%	73	1.2%

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Recommendations from IFW:

We respectfully request and recommend to the Committee that no changes be made at this time and allow the department to present a full package of changes related to crossbow law in 2023. We support the increased use opportunities for crossbow and would also suggest repealing the sunset provision that would occur on January 1, 2023 so that the current use of crossbows would remain in effect if nothing else should change.

In the long term, we intend to propose a full revision for everything related to crossbow in the 131st First Regular Session (2023). Our suggestion would be to include crossbow in the definition of archery equipment so that the use of crossbow would expand more than it is now and be consistent with traditional bow and arrow hunting. DIFW could propose a bill with the Governor's support that would provide extensive revisions to the crossbow laws. Currently there are many complexities and exceptions between the two methods of hunting, and it has become increasingly confusing for hunters and our staff to explain the differences. Our suggestion to expand the use of crossbows further aligns with our mission to recruit more hunters and perhaps reactivate archery hunters who have been physically unable to draw a bow or are under the age of 65, while simplifying the laws.

We have created a preliminary document with suggested statutory changes, this includes 25 pages of statute that would be impacted in some fashion. If supported, this would be the foundation of a bill proposal in the next session. We would like to have time before 2023 to refine this document with the revisor's office conducting a careful review to ensure accuracy. If the committee chose to pass law revisions related to crossbow in 2023 the agency would also have to update crossbow rules which would take another 3-5 months. With the Committee's support the agency would prefer to educate the public during 2023 about the upcoming changes and delay implementation to 2024.

Probable statutory changes if crossbow becomes part of the definition of archery equipment:

- **Include crossbow in the definition of archery equipment.**
- **Hunter Orange Requirement Scenarios:**
- **Archery Hunter Education Courses and Crossbow Education Courses:**
- **Archery Hunting License & Crossbow Hunting Permit**
- **Shooting too close to a dwelling statutes**
- **Expanded Archery Areas and Seasons**

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- **Antlerless Deer Permit Changes to consider**
- **Suggestion to repeal permanent disability permit and the specific designation for crossbow use for people 65 years and older if this should change.**