

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify and Correct Maine's Fish and Wildlife Laws

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

Sec. 1. 12 MRSA §10001, sub-§§1-A, 11-A and 28-A are enacted to read:

1-A. Airbow. "Airbow" means a device for propelling an arrow or bolt by means of compressed air, mounted on a stock and having a working mechanical trigger safety device and a minimum pressure of 2,000 pounds per square inch.

11-A. Crossbow. "Crossbow" means a device for propelling an arrow or bolt by means of traverse limbs and a string, mounted on a stock and having a working mechanical trigger safety device and a minimum draw weight of 100 pounds.

28-A. Hand-held bow or bow. "Hand-held bow" or "bow" means a device for propelling an arrow by means of limbs and a string that is hand held, hand drawn and held in a drawn position by hand or a hand-held mechanical release. "Hand-held bow" or "bow" includes a compound bow, a recurve bow and a long bow.

Sec. 2. 12 MRSA §10851, sub-§1, ¶D, as amended by PL 2017, c. 164, §2, is further amended to read:

D. For a resident 70 years of age or older. For a person who holds a valid senior lifetime license under this section at any time during the calendar year that person turns 70 years of age, that lifetime license includes all hunting permits and licenses authorized in this Part and may renew at no cost a guide license under section 12853. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 and section 11162 must have included in that person's license one antlerless deer permit and one either-sex permit. A person who is 70 years of age or older may purchase a senior lifetime license that entitles the holder to all the privileges described in this paragraph for a one-time \$8 fee.

Sec. 3. 12 MRSA §10953, sub-§1-C, as repealed and replaced by PL 2017, c. 475, Pt. A, §20, is amended to read:

1-C. Hunting with a crossbow; 65 years of age or older. A person 65 years of age or older who meets the eligibility requirements of sections 11106 and 11162 may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal subject to this Part.

Sec. 4. 12 MRSA §10955 is enacted to read:

§ 10955. Open seasons for hunting with airbow

1. Species and seasons. A person may hunt deer with an airbow during the open firearm season on deer as provided in section 11401.

2. Airbow requirements. A person may not hunt with an airbow unless the airbow meets the following requirements:

- A. The airbow must have a shoulder-type stock. A hand-held pistol-type airbow may not be used;
- B. The airbow must be charged to a minimum pressure of 2,000 pounds per square inch;
- C. The arrowhead, including a mechanical broadhead when open, must be at least 7/8 inch in width;
- D. An airbow arrow or bolt that has an explosive or poisonous tip may not be used;
- E. The airbow must be equipped with a mechanical trigger safety device in working condition; and
- F. The airbow may be equipped with a scope or sight.

Sec. 5. 12 MRSA §11212-A, as enacted by PL 2017, c. 176, §2, is amended to read:

§ 11212-A. Having a loaded firearm or crossbow in a motor vehicle or 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 snowmobile is not in motion and the engine of the all-terrain vehicle or snowmobile is not running.

C. While target shooting and not hunting, a person who is on but not within an enclosed area or passenger compartment of a vehicle may shoot a firearm or crossbow or 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.

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

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

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

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

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

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

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

Sec. 6. 12 MRSA §11403, sub-§2, ¶B, as amended by PL 2017, c. 357, §2, is further amended to read:

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, ~~except that a person who holds a license that allows hunting with firearms may carry a handgun.~~ This paragraph may not be construed to prohibit a person from carrying a concealed weapon in accordance with Title 25, section 2001-A.

Sec. 7. 12 MRSA §12201, sub-§2, ¶E, as amended by PL 2017, c. 427, §17 and affected by §19, is further amended to read:

E. ~~If a nonresident who is not a citizen of the United States is eligible to, the nonresident may purchase only a nonresident trapping license for~~ but may not trap any species other than beaver pursuant to section 12259, subsection 3.

Sec. 8. 12 MRSA §12602, last ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A person who violates this section commits a Class E crime. The court shall also impose a fine of \$20 for each fish unlawfully possessed, none of which may be suspended. In the case of smelt limits, a person who violates this section commits a Class E crime, and the court shall impose a fine of \$20 for each quart over the limit.

Sec. 9. 12 MRSA §12661, sub-§1, ¶A, as amended by PL 2015, c. 301, §39, is further amended to read:

A. Must remove or cause to be removed the shack or structure on the ice of any inland waters ~~prior to the earlier of the date of ice out or 3 days after the close of the ice fishing season established pursuant to section 12454~~ by March 31st; or

Sec. 10. 12 MRSA §12661, sub-§3, as amended by PL 2017, c. 164, §22, is further amended to read:

3. Removal of abandoned ice-fishing shacks. A person may not leave a structure on another person's land without permission from the landowner. Notwithstanding the provisions of Title 33, chapter 41 and Title 17, section 2263-A, a landowner on whose property an ~~ice fishing~~abandoned ice-fishing shack as defined in Title 17, section 2263 is left in violation of this section may remove or destroy the shack. The landowner may recover any costs of removing or destroying the shack from the owner of the shack in a civil action.

Sec. 11. 17 MRSA §2263, sub-§1-D, as enacted by PL 1993, c. 144, §3, is amended to read:

1-D. Abandoned ice-fishing shack. "Abandoned ice-fishing shack" means a temporary structure used for ice fishing and left on property not owned by the person owning the structure without permission of the landowner ~~for more than 15 days after the inland waters on which the shack or structure was located are closed to ice fishing.~~

SUMMARY

This bill changes the inland fisheries and wildlife laws to:

1. Define the terms "airbow," "crossbow" and "hand-held bow" or "bow" and establish an open season for hunting deer with an airbow during the open firearm season on deer;
2. Specify that lifetime license holders must meet eligibility requirements for hunting with bows and crossbows;
3. Make technical and grammatical corrections to the law regarding having a loaded firearm or crossbow in a motor vehicle or hunting or shooting from a motor vehicle or motorboat;
4. Repeal outdated language regarding carrying a handgun during the regular archery-only season on deer;
5. Clarify that it is only beaver, and no other species, that may be trapped by the holder of a nonresident trapping license who is not a citizen of the United States;
6. Require the court to impose a fine of \$20 for each quart of smelts rather than for each fish unlawfully possessed over the limit adopted by the Commissioner of Inland Fisheries and Wildlife by rule; and
7. Require any shack or temporary structure used for ice fishing to be removed by March 31st and, in the laws regarding litter control, amend the definition of the term "abandoned ice-fishing shack."