



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 306

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H.P. 215

House of Representatives, February 7, 2013

**An Act To Exempt Members of the Penobscot Nation, the  
Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and  
the Aroostook Band of Micmacs from Special Training  
Requirements for Archery and Trapping**

(EMERGENCY)

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Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MITCHELL of the Penobscot Nation.  
Cosponsored by Senator CAIN of Penobscot and  
Representatives: CHAPMAN of Brooksville, CHIPMAN of Portland, GOODE of Bangor,  
MOONEN of Portland, PEOPLES of Westbrook, SOCTOMAH of the Passamaquoddy Tribe,  
VEROW of Brewer, VILLA of Harrison.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** trapping animals and hunting animals with bows are a part of the cultural  
4 practices of Maine's Indian tribes and have been for uncounted generations; and

5           **Whereas,** requiring members of these tribes to undertake special archery or trapping  
6 training in order to obtain licenses to hunt or trap is an intrusion on these cultural  
7 practices; and

8           **Whereas,** these unnecessary requirements need to be removed immediately in order  
9 to recognize and protect these cultural practices; and

10          **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

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

15          **Sec. 1. 12 MRSA §11106, sub-§2,** as amended by PL 2007, c. 203, §2, is further  
16 amended to read:

17           **2. Archery hunter education requirements.** A Except as provided in paragraph A,  
18 a person who applies for an archery hunting license other than a junior hunting license or  
19 an apprenticeship hunter license must submit proof of having successfully completed an  
20 archery hunter education course as described in section 10108 or an equivalent archery  
21 hunter education course or satisfactory evidence of having previously held an adult  
22 archery hunting license issued specifically for the purpose of hunting with bow and arrow  
23 in this State or any other state, province or country in any year after 1979.

24          When proof or evidence can not be otherwise provided, the applicant may substitute a  
25 signed affidavit that the applicant has previously held the required adult archery hunting  
26 license or has successfully completed the required archery hunter education course.

27           A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot  
28 Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs  
29 who presents certification from the respective reservation governor or the Aroostook  
30 Micmac Council stating that the person is an enrolled member of a federally  
31 recognized nation, band or tribe listed in this paragraph is exempt from the  
32 requirements of this subsection.

33          **Sec. 2. 12 MRSA §11106-A, sub-§3,** as amended by PL 2007, c. 203, §4, is  
34 further amended to read:

35           **3. Crossbow hunter education requirements.** A Except as provided in paragraph  
36 A, a person who applies for a crossbow hunting license other than a junior hunting license  
37 or an apprenticeship hunter license must submit proof of having successfully completed  
38 an archery hunting education course and a crossbow hunting course as described in

1 section 10108 or equivalent crossbow and archery hunting education courses or  
2 satisfactory evidence of having previously held adult archery and crossbow hunting  
3 licenses issued specifically for the purpose of hunting with a crossbow or bow and arrow  
4 in this State or any other state, province or country in any year after 1979.

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

9 A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot  
10 Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs  
11 who presents certification from the respective reservation governor or the Aroostook  
12 Micmac Council stating that the person is an enrolled member of a federally  
13 recognized nation, band or tribe listed in this paragraph is exempt from the  
14 requirements of this subsection.

15 **Sec. 3. 12 MRSA §12201, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
16 affected by c. 614, §9, is amended to read:

17 **3. Successful completion of trapper evaluation program required for license.** A  
18 Except as provided in paragraph A, a person who applies for a state license to trap, other  
19 than a junior license, must submit proof of having successfully completed an education  
20 course of the type described in section 10108, subsection 7 or satisfactory evidence of  
21 having previously held an adult license to trap in this State or any other state, province or  
22 country in any year beginning with 1978.

23 When proof or evidence can not otherwise be provided, the person may substitute a  
24 signed affidavit that that person has previously held the required adult trapping license or  
25 that that person has successfully completed the required trapper education course.

26 A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot  
27 Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs  
28 who presents certification from the respective reservation governor or the Aroostook  
29 Micmac Council stating that the person is an enrolled member of a federally  
30 recognized nation, band or tribe listed in this paragraph is exempt from the  
31 requirements of this subsection.

32 **Emergency clause.** In view of the emergency cited in the preamble, this  
33 legislation takes effect when approved.

## 34 SUMMARY

35 This bill exempts an enrolled member of the Passamaquoddy Tribe, the Penobscot  
36 Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs from  
37 the archery, crossbow and trapping training requirements for obtaining an archery hunting  
38 license, a crossbow hunting license or a trapping license.