

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE**

In Support of LD 540

**An Act to Amend the Laws Governing the Discharge of a Firearm or
Crossbow near a Dwelling or Building**

PRESENTED BY: Representative SHAW of Standish

**Cosponsored by Senator SAVIELLO of Franklin and
Representative BRIGGS of Mexico,
Representative CHIPMAN of Portland,
Representative DION of Portland,
Representative PRIEST of Brunswick,
Representative TIMBERLAKE of Turner,
Representative WILSON of Augusta,
Senator MASON of Androscoggin**

DATE OF HEARING: April 25, 2013

Senator Dutremble, Representative Shaw, and members of the Joint Standing Committee on Inland Fisheries and Wildlife. I am Joel Wilkinson, Colonel of the Maine Warden Service and I will be speaking in support of **LD 540**.

Current law states that a person may not:

- A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm, including muzzle-loading firearms, or crossbow within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or
- B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402. (*Protecting your property*). For purposes of this subsection, "building" means any residential, commercial, retail, educational, religious, or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

The current law only addresses that the discharge of a firearm, muzzleloader or crossbow cannot be within 100 yards of a building or residential dwelling without the permission of the owner or person authorized to act on the owner's behalf. This discharge occurs at the location of the firearm. The law does not include the path of the projectile. For instance, I could be 100 yards away from the residence when I discharge the firearm, but cause the bullet to pass within 25 yards of the house and not be in violation of this statute. By adding the language "or cause a projectile to pass" we address this loop hole and meet the intent of the law to create a safety zone around residential dwellings and buildings. This law merely supports common sense and the original intent of the statute when it was drafted.

I would be happy to answer any question the committee may have of me.