

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 82

S.P. 21

In Senate, January 11, 2005

**An Act To Suspend or Revoke Licenses and Permits Issued by the
Department of Inland Fisheries and Wildlife to a Person Convicted
of Operating under the Influence**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WOODCOCK of Franklin.

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

2
3 **Sec. 1. 12 MRSA §10902, sub-§4,** as affected by PL 2003, c.
4 614, §9 and amended by c. 655, Pt. B, §98 and affected by §422,
5 is further amended to read:

6
7 **4. Mandatory revocation or suspension of all licenses**
8 **issued by department.** A person's license or permit must be
9 revoked or suspended under the following circumstances.

10
11 A. If a person holding a license or permit under this
12 ~~chapter~~ Part is convicted of ~~the~~ a violation of any
13 provision of Title 17-A while on a hunting or fishing trip
14 or in the pursuit of wild animals, wild birds or fish, the
15 commissioner shall revoke the license or permit held by that
16 person for a period of at least one year, except when the
17 killing or wounding of a human being has occurred, in which
18 case the commissioner shall revoke the license or permit for
19 at least 5 years.

20
21 B. Any license or permit issued by the department in effect
22 at the time a person is convicted of a violation of section
23 12256, disturbing traps, is revoked upon conviction and must
24 be immediately surrendered to the commissioner.

25
26 C. If ~~an~~ a habitual violator, as defined in section 10605,
27 subsection 1, is convicted or adjudicated of a violation of
28 any provision of this Part, the commissioner shall revoke
29 all licenses and permits held by that person. That person
30 is ineligible to have a license for a period to be
31 determined by the commissioner, which may not be less than 3
32 years from the date of revocation. A hearing for a person
33 whose licenses and permits have been revoked under this
34 paragraph is governed by the following.

35 (1) A person whose licenses and permits have been
36 revoked under this paragraph may, within 30 days of the
37 effective date of the revocation, petition for a
38 hearing before the commissioner to show cause why the
39 licenses and permits should not have been revoked.

40
41 (2) If, after the hearing, the commissioner finds that
42 the petitioner's record does not bring the petitioner
43 within the definition of an habitual violator, the
44 commissioner shall rescind the revocation. If the
45 commissioner finds that the petitioner's record does
46 bring the petitioner within the definition of an
47 habitual violator, the revocation remains in effect.
48 If the petitioner denies any of the facts contained in
49 the record, the petitioner has the burden of proof.
50

2 D. If a person is convicted of operating under the
3 influence under Title 29-A, section 2411, the commissioner
4 shall suspend or revoke all licenses or permits held by that
5 person that were issued pursuant to this Part as follows:

6 (1) First conviction, suspension for one year from the
7 date of conviction;

10 (2) Second conviction, revocation. The person may
11 apply for a license or permit 3 years after the date of
12 conviction; and

14 (3) Third conviction, permanent revocation from the
15 date of conviction.

16 A person who has been convicted of operating under the
17 influence under Title 29-A, section 2411 is ineligible to
18 obtain a license or permit issued under this Part during the
19 applicable suspension or revocation period.

22 **Sec. 2. 29-A MRSA §2411, sub-§9** is enacted to read:

24 **9. Notification of Department of Inland Fisheries and**
25 **Wildlife.** The court shall send an attested copy of the record of
26 any person convicted of operating under the influence to the
27 Commissioner of Inland Fisheries and Wildlife.

30 SUMMARY

32 This bill requires the Commissioner of Inland Fisheries and
33 Wildlife to suspend or revoke a license or permit issued under
34 the Maine Revised Statutes, Title 12, Part 13 held by a person
35 convicted of operating a motor vehicle under the influence. The
36 bill makes a person ineligible to obtain a license or permit
37 under Title 12, Part 13 during the applicable suspension or
38 revocation period and requires the court to notify the
39 Commissioner of Inland Fisheries and Wildlife of a person
40 convicted of operating under the influence. This bill also makes
a technical correction to certain cross references.