

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1908

S. P. 620

Office of the Secretary of the Senate

The Committee on Fisheries and Wildlife suggested by Committee on Reference of Bills.
Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Clarify the Definition of Residence for Purposes of the Inland Fisheries and
Wildlife Laws.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the law changing the definition of residence under the hunting and fishing laws has caused a great deal of controversy; and

Whereas, the following legislation removes those objections by restoring the 3-month domicile requirement; and

Whereas, the permits issued for hunting and fishing are issued on a calendar year which necessitates this legislation be passed as an emergency so that sportsmen can acquire permits as soon as possible after January 1st; and

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

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

Sec. 1. 12 MRSA § 1901, sub-§§ 1 and 2, as amended by PL 1977, c. 78, §§ 45 and 46, are repealed.

Sec. 2. 12 MRSA § 1901, sub-§ 14-A is enacted to read:

14-A. Resident. “Resident” shall mean a citizen of the United States who has been domiciled in this State continuously during the 3 months next prior to the date on which he

applies for any license under chapters 301 to 337, or an alien who has been so domiciled for one year. No person shall be considered a resident if he has not:

- A. If registered to vote, registered in Maine;
- B. If licensed to drive a motor vehicle, made application for a Maine motor vehicle operator's license;
- C. If owning a motor vehicle or vehicles located within the State, registered each such vehicle in Maine; and
- D. Complied with the state income tax laws.

Sec. 3. 12 MRSA § 2401, sub-§ 7, as enacted by PL 1977, c. 503, § 15-B, is repealed.

Sec. 4, 12 MRSA § 2401-B, sub-§ 19, as enacted by PL 1977, c. 503, § 17-A, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The purpose of this bill is to restore the requirement that United States citizens applying for resident hunting and fishing licenses need be domiciled in the State for only 3 months, as opposed to the 12 months currently required by a 1977 amendment to the hunting and fishing laws, but to retain the reduction of the durational residence requirement for aliens from 5 years to one year, as provided by the same amendment. The bill also establishes certain objective criteria which must be met before residency may be established.