MAINE STATE LEGISLATURE

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- 1 Sec. 2. 12 MRSA §7077, sub-§7 is enacted to
 2 read:
- 7. Notification. The commissioner shall send a written notice to any person whose license or permit has been revoked or suspended as the result of provisions contained in chapters 701 to 721
- 7 The notice shall explain the type of license or 8 permit which has been revoked or suspended, the 9 length and effective date of the suspension or revocation and any opportunity for a hearing.
- 11 Service of the notice shall be sufficient if sent by 12 first class mail to the address given by the person 13 named in the notice.
- 14 Sec. 3. 12 MRSA §7079 is enacted to read:
- 15 §7079. License revocation of habitual violator
- 1. Conviction of violation. If any habitual 16 17 violator, as defined in section 7001, subsection 18 13-A, is convicted of a violation of any provision of chapters 701 to 721, the commissioner shall revoke 19 all licenses and permits held by that person, includ-20 21 ing that person's privilege to obtain any license or 22 permit issued by the department, for a period of 3 23 years.
 - Hearing provisions.

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- A. Any person whose licenses and permits have been revoked under this section may, within 30 days of the effective date of the revocation, petition for a hearing before the commissioner to show cause why his licenses and permits should not be revoked.
- B. If, after the hearing, the commissioner finds that the person's record does not bring him within the definition of an habitual violator, the revocation shall be rescinded. If the commissioner finds that the person's record does bring him within the definition of an habitual violator, the revocation shall remain in effect. If the petitioner denies any of the facts con-

- tained in the record, he shall have the burden of
 proof.
- 3 Sec. 4. 12 MRSA §7901, sub-§5 is enacted to
 4 read:
- 5. Whenever a violation of any prohibited act in chapters 701 to 721 is committed by an habitual violator, as defined in section 7001, subsection 13-A, the penalty for that violation shall be a fine of not less than \$500 and a term of imprisonment of not less than 3 days, this fine and imprisonment not to be suspended.
 - Sec. 5. 12 MRSA §7954 is enacted to read:
- 13 §7954. Conviction record of habitual violator

A certificate, signed by the commissioner or a person designated by him, setting forth the conviction record as maintained by the department of any person whose record brings him within the definition of an habitual violator, as defined in section 7001, subsection 13-A, is admissible in evidence in all courts of the State for purposes of sentencing. That certificate is prima facie evidence that the person named therein was duly convicted by the court, wherein that conviction was made, of each offense set forth in the certificate. If the person named in the certificate denies any of the facts stated therein, he shall have the burden of proof.

27 STATEMENT OF FACT

This bill discourages repeat violations of the fish and wildlife laws by increasing the penalties and denying the license privileges of persons who habitually violate these laws.

This bill provides for the revocation of all Department of Inland Fisheries and Wildlife licenses for a period of 3 years for any person convicted of 5 separate fish and wildlife violations within a 5-year period. It also provides the means for the courts to impose significantly higher penalties in cases involving "habitual violators."

1	This bill	establis:	hes a ı	uniform pr	ocedure	for '	the
2	notification	of person	s whose	e licenses	or perm	nits a	are
3	being revoked	•					

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