

MAINE STATE LEGISLATURE

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H. of S.

L.D. 1231

(Filing No. S-172)

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**STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 400, L.D. 1231, Bill, "An Act Requiring a Guide for Nonresidents Hunting in Maine"

Amend the bill by striking out the title and substituting the following:

'An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 12 MRSA §7406, sub-§17-A is enacted to read:

17-A. Hunting without guide. A person commits the offense of hunting without a guide if that person:

A. Is a nonresident alien;

B. Is a resident of a state, province, country or district that requires residents of this State to be accompanied by a guide while hunting in that state, province, country or district; and

C. Hunts while not accompanied by a guide licensed pursuant to section 7311 or hunts accompanied by a licensed guide if the total number of clients of that guide during the hunt exceeds 3 persons.

The commissioner, upon application of a nonresident alien for any license to hunt, shall make appropriate determinations with regard to the applicability of this subsection and, if this subsection applies, shall stamp any license issued to the applicant with the words "GUIDE REQUIRED".

This subsection takes effect January 1, 1994. This subsection is repealed January 1, 1996.

COMMITTEE AMENDMENT

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FISCAL NOTE

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This bill may result in a significant loss of General Fund revenues resulting from a decreased number of nonresident aliens purchasing hunting licenses. The amounts can not be determined at this time.

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This bill establishes a new Class E crime. Sentences imposed for Class E offenses must be served in a county jail. The average cost per sentence for a Class E crime is \$4,188 based upon an average length of stay of 67 days. The additional costs to the counties for the housing of each offender sentenced under this new crime will not require reimbursement by the State.

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The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenues by a minor amount.'

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STATEMENT OF FACT

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This amendment replaces the bill. Under this amendment a nonresident alien who is a resident of any state, province, country or district that requires residents of this State to be accompanied by a guide when hunting in that state, province, country or district is required to be accompanied by a guide while hunting in this State. Persons who fall within this requirement may jointly hire a guide, provided that the total number of clients for any one guide does not exceed 3 persons.

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This section is effective January 1, 1994 and is repealed January 1, 1996.

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Violation of this section is a Class E crime.

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The Department of Corrections has prepared the following correctional impact statement pursuant to the Maine Revised Statutes, Title 34-A, section 1402: "L.D. 1231, "An Act Requiring a Guide for Nonresidents Hunting in Maine" creates a new Class E violation under this section. A sentence imposed for a Class E offense must be served in a county jail facility. Looking at sentences served for Class E offenses in county jails, the average length of stay was found to be about 67 days. The average cost per day in a county jail is \$62.51. The average cost per sentence for a Class E crime is \$4,188."

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Reported by Senator Luther for the Committee on Transportation. Reproduced and Distributed Pursuant to Senate Rule 12.

(5/19/93)

(Filing No. S-172)