

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 226

H.P. 178

House of Representatives, January 24, 1995

An Act to Strengthen the Laws Pertaining to Poaching.

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

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JACQUES of Waterville.
Cosponsored by Representatives: BUNKER of Kossuth Township, CLARK of Millinocket,
JOHNSON of South Portland, KILKELLY of Wiscasset, NICKERSON of Turner,
ROSEBUSH of East Millinocket, Senators: BEGLEY of Lincoln, CARPENTER of York.

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

Sec. 1. 12 MRSA §7072, sub-§4 is enacted to read:

4. List of violators. The department shall provide clerks of towns or such other agents appointed by the commissioner to issue licenses and permits with a list of all residents whose privileges to obtain licenses or permits are suspended or revoked under this Part.

Sec. 2. 12 MRSA §7077, sub-§§1-A and 1-B, as enacted by PL 1993, c. 136, §1, are repealed.

Sec. 3. 12 MRSA §7077, sub-§§1-C to 1-E are enacted to read:

1-C. Mandatory hunting license revocation for certain violations. Notwithstanding subsection 1, the commissioner shall:

A. Revoke for a period of at least one year the hunting license of any person convicted of a violation of one of the following:

(1) Hunting under the influence of alcohol, in violation of section 7406, subsection 3;

(2) Discharging a firearm within 100 yards of a residential dwelling without owner permission, in violation of section 7406, subsection 13;

(3) Abuse of another person's property while hunting, in violation of section 7406, subsection 16;

(4) Buying or selling bear in violation of section 7452, subsection 9;

(5) Hunting or possessing caribou, in violation of section 7456-B;

(6) Buying or selling deer, in violation of section 7458, subsection 3;

(7) Buying or selling moose, in violation of section 7464, subsection 8; or

(8) Illegally hunting wild turkeys, illegally possessing wild turkeys, buying or selling wild turkeys or using illegal methods to hunt wild turkeys, in violation of section 7469, subsection 1, 2, 9 or 10;

2 B. Except as provided in paragraph C, revoke for a period
3 of at least 5 years, beginning on January 1st of the
4 calendar year following the calendar year in which the
5 person was convicted, the hunting license of any person
6 convicted of a violation of one of the following:

7 (1) A closed season violation, in violation of section
8 7406, subsection 1 as it relates to bear, deer or moose;

9 (2) Night hunting in violation of section 7406,
10 subsection 5;

11 (3) Illegal possession in violation of section 7406,
12 subsection 10, when the wild animal or bird was taken
13 in violation of section 7406, subsection 5;

14 (4) Hunting or trapping bear after having killed one
15 or exceeding the bag limit on bear in violation of
16 section 7452, subsection 3 or 4;

17 (5) Exceeding the bag limit on deer or hunting deer
18 after having killed one in violation of section 7458,
19 subsection 1 or 2; or

20 (6) Illegally hunting moose or illegally possessing
21 moose in violation of section 7464, subsection 1 or 2;
22 and

23 C. Revoke for life the hunting license of any person
24 convicted of any of the violations listed in paragraph B if
25 that person:

26 (1) Committed the violation for profit or personal
27 gain; or

28 (2) Has a record of any prior conviction of any of the
29 violations listed in paragraph B.

30 1-D. Mandatory fishing license revocation for certain
31 violations. Notwithstanding subsection 1, the commissioner shall:

32 A. Revoke for a period of at least one year the fishing
33 license of any person convicted of a violation of one of the
34 following:

35 (1) Introducing fish into inland waters without a
36 permit in violation of section 7371, subsection 3 as it
37 applies to section 7203, subsection 1;

2 (2) Taking or possessing sport fish in violation of
3 bag, weight and size limits in violation of section
4 7604, as it relates to trout, salmon, togue and black
5 bass, whenever the violation involves twice the general
6 bag and possession limit adopted by rule by the
7 commissioner for those species of fish;

8 (3) Taking fish by jigging, in violation of section
9 7607;

10 (4) Importing live bait fish or smelts, in violation
11 of section 7613;

12 (5) Buying or selling freshwater sport fish, in
13 violation of section 7615;

14 (6) Taking fish by explosive, poisonous or stupefying
15 substances, in violation of section 7617; or

16 (7) Abuse of another person's property while fishing,
17 in violation of section 7624;

18 B. Except as provided in paragraph C, revoke for a period
19 of at least 5 years, beginning on January 1st of the
20 calendar year following the calendar year in which the
21 person was convicted, the fishing license of any person
22 convicted of a violation listed in subsection 1-C, paragraph
23 B; and

24 C. Revoke for life the fishing license of a person when
25 that person is convicted of any of the violations listed in
26 subsection 1-C, paragraph B if that person:

27 (1) Committed the violation for profit or personal
28 gain; or

29 (2) Has a record of any prior conviction of any of the
30 violations listed in paragraph B.

31 **1-E. Mandatory license privilege revocations for convicted**
32 **licensed Maine guides.** Notwithstanding any other provisions of
33 this Part, the commissioner shall revoke any license issued under
34 this Part to a licensed Maine guide when the guide is convicted
35 of any of the violations listed in subsection 1-C, paragraph B.
36 A licensed Maine guide convicted of any of the violations listed
37 in subsection 1-C, paragraph B is ineligible for life to obtain
38 any license issued under this Part.

39 **Sec. 4. 12 MRSA §7077, sub-§8 is enacted to read:**

40

2 8. Notification of federal officials. The commissioner
3 shall provide the name of a person whose license is revoked under
4 subsection 1-C, paragraph C; subsection 1-D, paragraph C; or
5 subsection 1-E to the United States Fish and Wildlife Service and
6 fish and wildlife officials of all adjacent states and Canadian
7 provinces.

10 **STATEMENT OF FACT**

12 This bill imposes and increases the terms of mandatory
13 license revocations for a person convicted of any of the
14 following fish and wildlife violations: hunting deer, bear or
15 moose during closed season; night hunting; possession of wild
16 animals or wild birds taken during night hunting; hunting deer
17 after having killed one; hunting or trapping bear after having
18 killed one; exceeding the bag limit on deer or bear; or illegal
19 hunting or possession of moose.

20 The mandatory license revocations for people convicted of
21 the violations listed in this bill are: 5-year revocation of
22 hunting and fishing licenses, with the revocation period starting
23 on January 1st of the calendar year following the calendar year
24 in which the person was convicted; lifetime revocation of hunting
25 and fishing licenses when that person has one prior conviction of
26 any of the violations listed in this bill or when the person
27 committed any of those violations for profit or personal gain;
28 and lifetime revocation of all department license privileges when
29 the person is a licensed Maine guide.

30 The bill also requires the Commissioner of Inland Fisheries
31 and Wildlife to notify the United States Fish and Wildlife
32 Service and fish and wildlife officials of all adjacent states
33 and Canadian provinces of any person whose Maine hunting and
34 fishing licenses or Department of Inland Fisheries and Wildlife
35 licenses are revoked for life.