

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1464

H.P. 1095

House of Representatives, March 8, 2001

**An Act to Amend the Laws Governing the Suspension and Revocation of  
Hunting and Fishing Licenses.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MUSE of Fryeburg.  
Cosponsored by Senator FERGUSON of Oxford and  
Representatives: CRESSEY of Baldwin, DUNLAP of Old Town, GLYNN of South Portland,  
KASPRZAK of Newport, McKENNEY of Cumberland.

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

2  
4       **Sec. 1. 12 MRSA §7077, sub-§1**, as repealed and replaced by PL 1995, c. 346, §4 and affected by PL 1999, c. 547, Pt. B, §§78 and 80 is repealed.

6  
8       **Sec. 2. 12 MRSA §7077, sub-§1-A**, as amended by PL 1999, c. 320, §1 and c. 403, §5, is repealed.

10       **Sec. 3. 12 MRSA §7077, sub-§1-B**, as amended by PL 1999, c. 320, §§2 and 3, is repealed.

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

14  
16       **8. Commissioner to adopt rules governing suspension, revocation and reinstatement of hunting and fishing licenses.**  
18       The commissioner shall adopt rules, which are major substantive  
20       rules as defined in Title 5, chapter 375, subchapter II-A,  
      governing the suspension, revocation and reinstatement of hunting  
      and fishing licenses by the commissioner.

22       **Sec. 5. 12 MRSA §7077-A**, as amended by PL 1995, c. 679, §2, is repealed.

24       **Sec. 6. 12 MRSA §7077-B**, as amended by PL 1997, c. 432, §16, is repealed.

28       **Sec. 7. 12 MRSA §§7077-C and 7077-D**, as enacted by PL 1995, c. 346, §12, are repealed.

30       **Sec. 8. 12 MRSA §7079**, as amended by PL 1987, c. 317, §6, is repealed.

34       **Sec. 9. 12 MRSA §7108, sub-§5**, as reenacted by PL 1985, c. 819, Pt. B, §5, is repealed.

36       **Sec. 10. 12 MRSA §7171, sub-§5**, as enacted by PL 1989, c. 913, Pt. B, §3, is amended to read:

40       **5. Effect of revoked or suspended license.** Notwithstanding  
42       this section, a person whose license to deal in live smelts and  
      baitfish has been revoked or suspended pursuant to section 7077,  
44       or 7078 or ~~7079~~, may not assist another dealer in selling or  
      transporting live smelts and baitfish.

46       **Sec. 11. 12 MRSA §7235-A, sub-§7**, as amended by PL 1995, c. 346, §14, is further amended to read:

48       **7. Permit revocation for failure to report.** The  
50       commissioner may revoke any permit issued under this section if

2 the permit holder fails to meet the reporting requirements of  
3 subsections 5 and 6. The commissioner shall notify the permit  
4 holder of the revocation ~~in accordance with section 7077-C~~. A  
5 person whose permit has been revoked under this section may  
6 request a hearing before the commissioner. If, after hearing,  
7 the commissioner finds that the person met the reporting  
8 requirements of subsections 5 and 6, the revocation is  
9 rescinded. If the commissioner finds that the person did not  
10 meet the reporting requirements, the revocation remains in effect.

11 **Sec. 12. 12 MRSA §7315, sub-§1**, as amended by PL 1999, c. 547,  
12 Pt. B, §78 and affected by §80, is further amended to read:

13 **1. Conditions for revocation.** The commissioner may suspend  
14 or revoke a guide license ~~pursuant to section 7077 to 7079 and~~  
15 ~~Title 5, section 10004~~. The commissioner may revoke, suspend,  
16 refuse to issue or refuse to renew a guide license or the  
17 District Court may revoke or suspend a guide license in any one  
18 of the following circumstances:

19 A. If the guide fails to meet the standards of competency  
20 established pursuant to section 7314;

21 B. If the guide fails to meet the qualifications for a  
22 guide license, including, but not limited to, failure to  
23 pass a reexamination conducted pursuant to section 7313,  
24 subsection 4; or

25 C. If the guide is found to be incompetent, negligent or  
26 neglectful in the conduct of guiding activities, including,  
27 but not limited to, entering into a contractual agreement  
28 with a client to provide services and then failing, without  
29 just cause, to provide the services as agreed.

30 **Sec. 13. 12 MRSA §7315, sub-§1-A**, as amended by PL 1995, c.  
31 346, §15, is further amended to read:

32 **1-A. Mandatory revocation.** The commissioner shall revoke  
33 for a period of 3 years the guide's license of a guide who is  
34 convicted of violating a provision of this Part punishable by a  
35 mandatory fine of not less than \$1,000 and at least 3 days in  
36 jail. The commissioner shall provide notice of revocation as  
37 ~~provided in section 7077-C~~. A person whose license has been  
38 revoked under this subsection may, within 30 days of the  
39 effective date of the revocation, petition the commissioner for a  
40 hearing to show cause why the license should not have been  
41 revoked. If, after the hearing, the commissioner finds that the  
42 person has not been convicted or that the conditions of this  
43 subsection do not apply, the revocation is rescinded. If the  
44 commissioner finds that the person has been convicted and that

2 the conditions of this subsection apply, the revocation remains  
in effect.

4 **Sec. 14. 12 MRSA §7357, sub-§1.** as amended by PL 1999, c. 547,  
Pt. B, §78 and affected by §80, is further amended to read:

6 **1. Disciplinary action.** The commissioner may suspend or  
8 revoke a license ~~pursuant to sections 7077 to 7079 and Title 5,~~  
~~section 10004.~~ The commissioner may refuse to issue or renew a  
10 license or the District Court may revoke, suspend or refuse to  
renew a license for any one of the following causes:

12 A. Procuring a license by fraud or deceit practiced upon  
14 the department or a purchaser;

16 B. Failure to meet the competency standards established  
pursuant to section 7354;

18 C. Engaging in the art of taxidermy under a false name or  
20 alias with fraudulent intent;

22 D. Incompetence, negligence or neglect in the conduct of  
the practice of the act of taxidermy, including, but not  
24 limited to, entering into a contractual agreement with a  
customer to provide services and then failing, without just  
26 cause, to provide the services as agreed;

28 E. Failure to meet the qualifications for a license,  
including, but not limited to, failing to pass a  
30 reexamination pursuant to section 7356, subsection 6; or

32 F. For any violation of sections 7354 to 7356 and this  
section or any rules adopted pursuant to section 7354,  
34 subsection 5.

36 **Sec. 15. 12 MRSA §7907, sub-§2, ¶¶B and C,** as enacted by PL  
1995, c. 346, §16, are amended to read:

38 B. Any firearm seized in connection with a violation of:

40 (1) Section 7406, subsection 5;

42 (2) ~~Section 7077, subsection 1-A; or~~

44 (3) ~~Section 7077-A;~~

46 C. Any fishing equipment that is contraband under this  
48 section and is seized ~~in connection with a violation of~~  
~~section 7077, subsection 1-B~~ by an officer; and

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