

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1796

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H.P. 1342

House of Representatives, May 9, 2001

**An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System.**

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Reported by Representative DUNLAP for the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to Joint Order 2001, H.P. 1240.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §7073, sub-§5**, as repealed and replaced by PL  
1995, c. 667, Pt. A, §12, is amended to read:

6 **5. Duplicates.** A duplicate license or permit may be  
7 obtained by any person who has accidentally lost or destroyed any  
8 license or permit issued to that person under this chapter upon  
9 payment of a fee of \$2, all of which must be retained by the  
10 agent. ~~A duplicate license or permit may be obtained only from  
11 the issuer of the original license.~~

12 **Sec. 2. 12 MRSA §7133, sub-§2**, as enacted by PL 1979, c. 729,  
13 §2, is amended to read:

16 **2. Issuance.** The commissioner, or the commissioner's agent,  
17 may issue a license to engage in trapping. Clerks or other  
18 agents appointed by the commissioner shall charge a fee of \$2 for  
19 each trapping license issued. The commissioner shall charge a  
20 fee of \$1 for each trapping license issued by department  
21 employees.

22 **Sec. 3. 12 MRSA §7374**, as enacted by PL 1979, c. 420, §1, is  
23 amended to read:

24 **§7374. Possession of altered license or permit**

25 A person is guilty of possession of an a fraudulently  
26 altered license or permit if he that person has in his that  
27 person's possession any license or permit issued under chapters  
28 701 to 721 which that has been altered, tampered with or  
29 mutilated in any manner.

30 **Sec. 4. 12 MRSA §7468, sub-§6**, as enacted by PL 1985, c. 95,  
31 §1, is amended to read:

32 **6. Application procedure.** Eligible persons wishing to  
33 apply for a permit shall ~~file a written application for a permit~~  
34 ~~on a form furnished~~ apply in a manner prescribed by the  
35 commissioner. The application shall must be accompanied by an  
36 application fee of \$5 for residents and \$10 for nonresidents and  
37 aliens. The application fee may not be refunded. No person may  
38 file more than one application. Any person who submits more than  
39 one application ~~shall be~~ is disqualified from the selection of  
40 permittees.

41 **Sec. 5. 12 MRSA c. 715** is amended by repealing the chapter  
42 headnote and enacting the following in its place:

43 **CHAPTER 715**



2           This service fee shall-be is retained by the agent. The  
3           commissioner shall charge a \$1 service fee for each  
4           registration issued by department employees.

6           E. An agent is delinquent if that agent fails to forward to  
7           the commissioner funds collected by that agent by the date  
8           established in rules adopted under this subsection. Failure  
9           to remit the funds as provided in this section results in  
10           the following sanctions, in addition to any other provided  
11           by law.

12                   (1) The commissioner shall charge interest on the  
13                   amount owed at the rate of 18% a year for each day the  
14                   agent is delinquent.

16                   (2) If the agent has not paid the amount owed by the  
17                   60th day after the agent becomes delinquent, the  
18                   commissioner shall assess a surcharge of 5% of the  
19                   principal amount owed.

20                   (3) If an agent is delinquent for more than 150 days  
21                   or is delinquent 3 or more times in one year, the  
22                   commissioner shall:

24                           (a) Terminate the agency for the balance of the  
25                           year; and

28                           (b) Order that the agency not be renewed for the  
29                           next year;

30           **Sec. 7. 12 MRSA §7794, sub-§4, ¶E** is enacted to read:

32           E. Registration issued for an expanded registration period  
33           authorized in subsection 8, paragraph A:

- 36                   (1) Ten horsepower or less.....\$7.50  
38                   (2) Greater than 10, but  
39                   not more than 50 horsepower.....\$12.50  
40                   (3) Greater than 50 horsepower.....\$18.75  
42                   (4) Personal watercraft.....\$25.00

44           **Sec. 8. 12 MRSA §7794, sub-§8, ¶A** is enacted to read:

46           A. After September 30th, a person may pay 125% of the  
47           original watercraft registration fee as listed in subsection  
48           4, paragraph E and receive a registration covering the  
49           remainder of the calendar year plus one additional year.  
50

2           **Sec. 9. 12 MRSA §7824, sub-§1-B**, as amended by PL 1995, c.  
467, §2, is further amended to read:

4  
6           **1-B. Appointment of snowmobile registration agents; report;  
fees.** Appointment of snowmobile registration agents is and  
applicable fees are governed by the following.

8  
10           A. The commissioner may appoint municipal clerks or other  
12 persons who a municipality may designate as municipal agents  
14 to issue snowmobile registrations. The commissioner may  
designate other agents as necessary to issue snowmobile  
registrations. The commissioner shall determine the period  
when the agents shall act.

16           ~~B. For the purpose of issuing snowmobile registrations,~~  
~~agents other than municipal agents are appointed or~~  
18 ~~reappointed as follows.~~

20           ~~(1) The commissioner may designate as an agent, for~~  
~~the purpose of issuing snowmobile registrations, any~~  
22 ~~person who is licensed as a snowmobile dealer in~~  
~~accordance with section 7825, submits a complete~~  
24 ~~application, is credit worthy and has not violated any~~  
~~provision of this subchapter. The commissioner may~~  
26 ~~designate as an agent for the purpose of selling~~  
~~nonresident snowmobile registrations any business that~~  
28 ~~submits a complete application, is determined by the~~  
~~commissioner to be credit worthy and has not violated~~  
30 ~~any provision of this subchapter.~~

32           ~~(2) A business, the agency of which is revoked for a~~  
~~violation of this subchapter, may reapply for an agency~~  
34 ~~for the 2nd year following the last year it held an~~  
~~agency.~~

36           ~~C. Each agent, for the purpose of issuing snowmobile~~  
38 ~~registrations, shall submit a report to the commissioner on~~  
~~or before the 15th day of each calendar month. The report~~  
40 ~~shall include an accounting of all snowmobile registrations~~  
~~issued during the previous calendar month and shall be~~  
42 ~~accompanied by:~~

44           ~~(1) The department's copy of each registration issued,~~  
~~and~~

46           ~~(2) All snowmobile registration funds collected by the~~  
48 ~~agent during the reporting period.~~

2 D. Agents may charge a service fee of not more than \$1 for  
each snowmobile renewal registration issued and this \$2 for  
4 each registration covered by sections 7793-A to 7793-E.  
This service fee shall-be is retained by the agent.

6 E. An agent is delinquent if that agent fails to forward to  
the commissioner funds collected by that agent by the date  
8 established in rules adopted under this subsection. Failure  
to remit the funds as provided in this section results in  
10 the following sanctions, in addition to any other provided  
by law.

12 (1) The commissioner shall charge interest on the  
14 amount owed at the rate of 18% a year for each day the  
agent is delinquent.

16 (2) If the agent has not paid the amount owed by the  
18 60th day after the agent becomes delinquent, the  
commissioner shall assess a surcharge of 5% of the  
20 principal amount owed.

22 (3) If an agent is delinquent for more than 150 days  
or is delinquent 3 or more times in one year, the  
24 commissioner shall:

26 (a) Terminate the agency for the balance of the  
year; and

28 (b) Order that the agency not be renewed for the  
30 next year.

32 **Sec. 10. 12 MRSA §7824, sub-§8, as amended by PL 1995, c. 467,**  
34 **§7, is further amended to read:**

36 **8. Transfer of ownership, discontinuance of use or expanded**  
**registration.**

38 A. A person who transfers the ownership or permanently  
40 discontinues the use of a snowmobile having a resident  
42 registration or a nonresident seasonal registration and  
44 applies for registration of another snowmobile in the same  
registration year is entitled to a ~~eertificate~~---of  
registration upon payment of a transfer fee of \$2 and is not  
required to pay the regular registration fee.

46 B. Whenever ownership is transferred or the use of a  
48 snowmobile for which a registration ~~eertificate~~ has already  
been issued is discontinued, the old registration  
50 ~~eertificate~~---shall must be properly signed and executed by  
the owner showing that the ownership of the snowmobile has

2           been transferred or its use discontinued and returned to the  
3           commissioner within 10 days of the transfer or  
4           discontinuance of use.

5  
6           C. If there is a change of ownership of a snowmobile for  
7           which a registration certificate-number has previously been  
8           issued, the new owner shall apply for a new registration  
9           certificate, shall set forth the original number in the  
10          application and shall pay the regular fee for the particular  
11          snowmobile involved.

12          D. Whoever obtains an original resident snowmobile  
13          registration after March 31st, may pay \$30 and receive a  
14          registration covering the remainder of the registration  
15          period plus one additional year.

16          **Sec. 11. 12 MRSA §7854, sub-§1-A, as repealed and replaced by**  
17          **PL 1989, c. 493, §62, is amended to read:**

18                   **1-A. Appointment of ATV registration agents; fees.**

19  
20           A. The commissioner may appoint municipal clerks or other  
21           persons who a municipality may designate as municipal agents  
22           to issue ATV registrations. The commissioner may designate  
23           other agents as necessary to issue ATV registrations. The  
24           commissioner shall determine the period when the agents  
25           shall act.

26  
27           ~~B. For the purpose of issuing ATV registrations, agents~~  
28           ~~other than municipal agents shall be appointed or~~  
29           ~~reappointed as follows.~~

30  
31                   ~~(1) The commissioner shall designate as an agent, for~~  
32                   ~~the purpose of issuing ATV registrations, any person~~  
33                   ~~who is licensed as an ATV dealer in accordance with~~  
34                   ~~section 7855, submits a complete application, is credit~~  
35                   ~~worthy and has not violated any provision of this~~  
36                   ~~subchapter.~~

37                   ~~(2) A business, the agency of which is revoked for a~~  
38                   ~~violation of this subchapter, may reapply for an agency~~  
39                   ~~for the 2nd year following the last year it held an~~  
40                   ~~agency.~~

41           ~~C. Each agent, for the purpose of issuing ATV~~  
42           ~~registrations, shall report to the commissioner on or before~~  
43           ~~the 15th day of each calendar month. The report shall~~  
44           ~~include an accounting of all ATV registrations issued during~~  
45           ~~the previous calendar month and shall be accompanied by:~~

46



2                   (1) ~~The department's copy of each registration issued,~~  
and

4                   (2) ~~All ATV registration funds collected by the agent~~  
~~during the reporting period.~~

6  
8                   D. An agent is delinquent if that agent fails to forward to  
the commissioner funds collected by that agent by the date  
10 established in rules adopted under this subsection. Failure  
to remit the funds as provided in this subsection results in  
12 the following sanctions, in addition to any other provided  
by law.

14                   (1) The commissioner shall charge interest on the  
16 amount owed at the rate of 18% a year for each day the  
agent is delinquent.

18                   (2) If the agent has not paid the amount owed by the  
20 60th day after the agent becomes delinquent, the  
commissioner shall assess a surcharge of 5% of the  
22 principal amount owed.

24                   (3) If an agent is delinquent for more than 150 days  
or is delinquent 3 or more times in one year, the  
26 commissioner shall:

28                                 (a) Terminate the agency for the balance of the  
year; and

30                                 (b) Order that the agency not be renewed for the  
32 next year.

34                   Agents may charge a service fee of ~~not more than~~ \$1 for each ATV  
renewal registration issued and this \$2 for each registration  
36 covered by sections 7793-A to 7793-E. This service fee shall be  
is retained by the agent.

38                   **Sec. 12. 12 MRSA §7854, sub-§7**, as amended by PL 1989, c. 493,  
40 §64, is further amended to read:

42                   **7. Transfer of ownership, discontinuance of use or expanded**  
**period registration.** A transfer of ownership or discontinuance  
44 of use of an all-terrain vehicle ~~shall be~~ is subject to the  
following.

46                   A. Whoever transfers the ownership or discontinues the use  
48 of a registered all-terrain vehicle shall, within 10 days,  
properly sign the registration ~~certificate~~, indicating the  
50 disposition of the all-terrain vehicle, and return the  
~~certificate~~ registration to the commissioner.

2 B. An all-terrain vehicle owner who transfers ownership or  
discontinues its use may, within 10 days from the date of  
4 transfer or discontinuance, apply to the commissioner for  
registration of another all-terrain vehicle. The fee for  
6 the transfer shall-be is \$2 and the registration certificate  
shall-be is valid for the remainder of the registration year  
8 for which the previous all-terrain vehicle had been  
registered.

10  
12 C. Whenever there is a change of ownership of an  
all-terrain vehicle for which a registration has previously  
14 been issued, the new owner shall apply for a new  
registration and shall pay the regular \$12 fee.

16 D. After March 31st, a person may pay \$15 and receive a  
registration covering the remainder of the registration  
18 period plus one additional year.

20  
22 **SUMMARY**

24 This bill makes changes to the laws regarding agents, agent  
fees and watercraft, snowmobile and ATV registrations in order to  
26 facilitate the transition to Maine's On-line Sportsman's  
Electronic System, MOSES. The bill authorizes the Commissioner  
28 of Inland Fisheries and Wildlife to appoint agents to issue  
trapping licenses and charge a \$2 fee for each license. The  
30 bill also allows the commissioner to charge a \$1 fee for each  
trapping license and watercraft registration issued by a  
32 department employee. The bill removes the requirement that  
hunters apply by written application for a turkey permit and  
34 provides that hunters must apply for a turkey permit in a manner  
to be prescribed by the commissioner.

36 The bill provides that the commissioner may appoint agents  
other than municipal clerks or persons designated by a  
38 municipality to issue watercraft, snowmobile and ATV  
registrations and removes current statutory requirements that the  
40 commissioner must follow to appoint agents not associated with a  
municipality. The bill also removes the requirement that agents  
42 issuing snowmobile, watercraft and ATV registrations must submit  
reports to the commissioner and provides that agents may charge  
44 \$1 for each watercraft, snowmobile or ATV registration renewal  
and \$2 for original registrations. Additionally, the bill  
46 requires that the commissioner penalize agents who issue  
watercraft, snowmobile or ATV registrations that are delinquent  
48 in forwarding the commissioner's funds to the commissioner by a  
date set forth by rule. Penalties include charging an interest

2 rate of 18% a year for each day of delinquency, after the 60th  
day, assessing a surcharge of 5% of the principal and, after 150  
4 days or after being delinquent 3 times or more in one year,  
terminating the agency for the remainder of the year and the  
following year.

6  
8 The bill provides that anyone who obtains an original  
snowmobile or ATV registration after March 31st may pay \$30 or  
\$15, respectively, to receive a registration that covers the  
10 remainder of the year plus an additional year. The same  
opportunity is provided for anyone obtaining an original  
12 watercraft registration after September 30th, in which case the  
person pays 125% of the registration fee.

14  
16 The bill removes the requirement that duplicate licenses or  
permits be obtained from the original issuer of the license or  
permit.