

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 512

H.P. 388

House of Representatives, February 1, 2005

**An Act To Remove the Ethics Course Requirement for First  
Hunting and Fishing Violations and Require the Department of  
Inland Fisheries and Wildlife To Hold the Courses in a Location  
Within 100 Miles of All Citizens of the State**

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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 JACKSON of Fort Kent.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: LUNDEEN of Mars Hill, RICHARDSON of Greenville, WHEELER of  
Kittery.

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

Sec. 1. 12 MRSA §10903, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is further amended to read:

**§10903. Effective date for suspensions**

1. **For mandatory suspension.** For a violation having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license holder must surrender the license immediately to the commissioner. That person is not entitled to a hearing under section 10905 if the suspension period does not exceed the minimum period of suspension required by law. In addition to any suspension period ordered by the commissioner, a person whose license is suspended for a 2nd or subsequent violation having a mandatory suspension must successfully complete an outdoor ethics course conducted or endorsed by the department prior to being eligible to have that license reinstated.

2. **For all other suspensions.** For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the commissioner. That person must surrender that license to the commissioner upon receipt of a notice of suspension and is entitled to a hearing under section 10905. The commissioner shall adopt rules specifying the conditions under which a person whose license is suspended for a 2nd or subsequent violation that does not carry a mandatory suspension is required to complete an outdoor ethics course. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Outdoor ethics courses must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course and must be within 100 miles of the residence of a person taking the course. The fee for an outdoor ethics course is \$100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the Sport Hunter Program established in section 10108, subsection 4, paragraph B.

**SUMMARY**

This bill amends the law that requires a person who commits a hunting or fishing violation to take an outdoor ethics course to apply to a 2nd or subsequent violation and not to a first violation. This bill also requires the Department of Inland Fisheries and Wildlife, the Bureau of Warden Service to schedule any courses within 100 miles of the residence of a person taking the course.