

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 1982

S.P. 776

December 18, 2007

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### An Act To Amend Certain Provisions of the Fish and Wildlife Laws

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Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.  
Received by the Secretary of the Senate on December 18, 2007. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BRYANT of Oxford.  
Cosponsored by Representative JACKSON of Allagash and Representatives: BRYANT of Windham, RICHARDSON of Carmel, SAVIELLO of Wilton, WHEELER of Kittery.

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

2 **Sec. 1. 12 MRSA §10001, sub-§53**, as enacted by PL 2003, c. 414, Pt. A, §2 and  
3 affected by c. 614, §9, is amended to read:

4 **53. Resident. "Resident"** ~~For the purposes of this subsection, "resident" means a~~  
5 ~~citizen of the United States who has been domiciled in this State continuously during the~~  
6 ~~3 months next prior to the date on which the person applies for any license or permit~~  
7 ~~under this Part, or an alien who has been so domiciled for one year. A person may not be~~  
8 ~~considered a resident if the person has not:~~

9 A. If registered to vote, is registered in this State;

10 B. If licensed to drive a motor vehicle, has made application for or possesses a motor  
11 vehicle operator's license issued by the State;

12 C. If owning a motor vehicle located within the State, has registered each such  
13 vehicle in the State; and

14 D. ~~Complied~~ Is in compliance with the state income tax laws.

15 A person who is a full-time student at a college or university in the State, ~~who has resided~~  
16 ~~in the State continuously for 3 months~~ and has satisfied the requirements of paragraphs A  
17 to D is rebuttably presumed to ~~have been domiciled~~ be a resident in the State during that  
18 period.

19 **Sec. 2. 12 MRSA §10757-A** is enacted to read:

20 **§10757-A. Failure to pay fees**

21 The commissioner may revoke all licenses, permits or registrations issued to any  
22 person under this Part who has failed to pay the license, permit or registration fees due to  
23 either a license agent or the department. In addition, any fees associated with insufficient  
24 funds may be recovered by the agent or the department.

25 **Sec. 3. 12 MRSA §10851, sub-§1, ¶D**, as amended by PL 2007, c. 433, §1, is  
26 further amended to read:

27 D. For a resident 70 years of age or older. A person who holds a valid senior  
28 lifetime license under this section upon turning 70 years of age may obtain at no cost  
29 ~~a hunting license, fishing license, trapping license, archery license under section~~  
30 ~~11109, subsection 7, a pheasant hunting permit under section 11156, a muzzle-~~  
31 ~~loading hunting license under section 11109, subsection 4, a migratory waterfowl~~  
32 ~~permit under section 11157, a spring and fall wild turkey hunting permit under~~  
33 ~~section 11155 and a bear hunting permit under section 11151~~ all hunting permits and  
34 licenses authorized in this Part and may renew at no cost a guide license under  
35 section 12853. A person who is 70 years of age or older may purchase a senior  
36 lifetime license that entitles the holder to all the privileges described in this paragraph  
37 for a one-time \$8 fee.

1         **Sec. 4. 12 MRSA §13155, sub-§7, ¶B**, as enacted by PL 2003, c. 414, Pt. A, §2  
2 and affected by c. 614, §9, is amended to read:

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

8         **Sec. 5. 17 MRSA §2264-B, sub-§5**, as amended by PL 2003, c. 452, Pt. I, §39  
9 and affected by Pt. X, §2, is further amended to read:

10             **5. License suspension.** Surrender the person's motor vehicle operator's license for a  
11 period not exceeding 30 days and the person's hunting and fishing licenses issued by the  
12 Department of Inland Fisheries and Wildlife for a period of up to one year if the violation  
13 occurred in a state-owned wildlife management area as designated in Title 12, section  
14 12708 or a wildlife sanctuary as designated in Title 12, section 12706. The court may  
15 suspend an operator's license for any violation of section 2264-A that involves the use of  
16 a motor vehicle.

17   **SUMMARY**

18             This bill changes the residency requirements in regards to obtaining hunting, fishing  
19 and trapping licenses and registering recreational vehicles to make the requirements  
20 consistent with other provisions of law. The current 3-month waiting period, which is  
21 removed by this bill, makes it more difficult to obtain these licenses and registrations than  
22 it is to register a vehicle and results in lost revenue.

23             The bill allows the issuance of one lifetime license that covers all licenses and  
24 permits, rather than requiring the person to go in annually for the permits.

25             The bill assists the Department of Inland Fisheries and Wildlife in recovering lost  
26 revenue and it makes a registration fee change that was inadvertently omitted during  
27 recent fee adjustments. This makes the all-terrain vehicle transfer fee consistent with  
28 those for snowmobiles and watercraft.

29             The bill gives the courts the ability to revoke hunting and fishing licenses of persons  
30 found guilty of dumping litter in wildlife management areas and sanctuaries.