

# MAINE STATE LEGISLATURE

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**INLAND FISHERIES AND WILDLIFE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 560, L.D. 824, Bill, "An Act To Require a Moose Permit Lottery for Residents Who Have Never Had a Moose Permit"

Amend the bill by striking out the title and substituting the following:

**'An Act To Allow Authorized Agents to Process Moose Hunting Lottery Applications and Antlerless Deer Permit Applications'**

Amend the bill by striking out everything after the title and before the summary and inserting the following:

**'Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** in order for agents authorized by the Commissioner of Inland Fisheries and Wildlife to process moose hunting lottery applications for this year, this Act must take effect immediately; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §10801, sub-§1,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Appointment.** The commissioner may appoint clerks of towns, the State Tax Assessor or such other agents as the commissioner considers necessary to issue licenses and permits. For purposes of this section, "licenses and permits" includes, but is not limited to, moose lottery applications under section 11154 and antlerless deer permit applications under section 11152. The commissioner shall determine the period during which the agents perform their duties. In the case of services performed for the

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1 commissioner by the State Tax Assessor, the provisions of this chapter regarding agents'  
2 fees do not apply.

3 **Sec. 2. 12 MRSA §10803**, as enacted by PL 2003, c. 655, Pt. B. §91 and affected  
4 by §422, is amended to read:

5 **§10803. Agent fee cap**

6 A clerk or agent appointed by the commissioner under section 10801 to issue licenses  
7 or permits or process applications for the moose lottery or antlerless deer permits may  
8 charge agent fees as provided in this Part up to a maximum of \$6 during a single  
9 transaction. For purposes of this section, "transaction" means a single event in which one  
10 or more licenses or permits are issued to a person in that person's name.

11 **Sec. 3. 12 MRSA §11152, sub-§3**, as affected by PL 2003, c. 614, §9 and  
12 amended by c. 655, Pt. B, §121 and affected by §422, is further amended to read:

13 **3. Rulemaking.** The commissioner may adopt rules necessary for the  
14 administration, implementation, enforcement and interpretation of this section, except  
15 that the commissioner is not authorized to establish an antlerless deer permit system  
16 unless otherwise specified in this section. The commissioner may appoint clerks or  
17 agents under section 10801 to process applications for permits issued under this section.  
18 A clerk or agent appointed by the commissioner to process applications shall charge a fee  
19 of \$2 for each application processed by that clerk or agent under this section. Rules  
20 adopted by the commissioner that provide for permits to be issued to nonresident or alien  
21 hunters must provide that:

22 A. The percentage of antlerless deer permits issued to nonresident and alien hunters  
23 may not exceed the average percentage of applicants for antlerless deer permits over  
24 the previous 3 years who were nonresidents or aliens; and

25 B. No more than 15% of the antlerless deer permits issued in any one district or in  
26 any one zone may be issued to nonresident and alien hunters.

27 Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
28 chapter 375, subchapter 2-A.

29 **Sec. 4. 12 MRSA §11154, sub-§6**, as amended by PL 2005, c. 12, Pt. III, §10, is  
30 further amended to read:

31 **6. Application procedure.** An eligible person wishing to apply for a permit must  
32 file a written application for a permit on a form furnished by the commissioner. The  
33 application fee is nonrefundable. A person may file no more than one application. A  
34 person who submits more than one application is disqualified from the selection of  
35 permittees. The application must be accompanied by an application fee of:

36 A. For a resident:

37 (1) Seven dollars for a one-chance application;

38 (2) Twelve dollars for a 3-chance application. A resident must possess a valid  
39 big game hunting license to be eligible to purchase a 3-chance application; and

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1 (3) Twenty-two dollars for a 6-chance application. A resident must possess a  
2 valid big game hunting license to be eligible to purchase a 6-chance application;  
3 or

4 B. For a nonresident:

5 (1) Fifteen dollars for a one-chance application;

6 (2) Twenty-five dollars for a 3-chance application;

7 (3) Thirty-five dollars for a 6-chance application; and

8 (4) Fifty-five dollars for a 10-chance application; multiple 10-chance options  
9 may be purchased.

10 A clerk or agent appointed by the commissioner under section 10801 may process an  
11 application under this subsection. The clerk or agent shall charge a fee of \$2 for each  
12 application under this subsection processed by that clerk or agent.

13 **Emergency clause.** In view of the emergency cited in the preamble, this  
14 legislation takes effect when approved.'

15 **SUMMARY**

16 This amendment replaces the bill. The amendment allows municipal clerks or other  
17 agents appointed by the Commissioner of Inland Fisheries and Wildlife to process moose  
18 lottery applications and antlerless deer permit applications and to charge a \$2 agent fee  
19 for applications processed by the clerk or agent. The amendment also adds an emergency  
20 preamble and an emergency clause.