

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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ment shows or ~~meehanieal~~ rides amusement devices exhibit or parade shall have jurisdiction over the offense.

Effective September 23, 1983.

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## CHAPTER 329

S.P. 357 - L.D. 1078

AN ACT Pertaining to License Revocation  
Notices Issued by the Commissioner of Inland  
Fisheries and Wildlife.

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

Sec. 1. 12 MRSA §7001, sub-§13-A is enacted to read:

13-A. Habitual violator. "Habitual violator" means any person whose record, as maintained by the department, shows that the person has been convicted of 3 or more of the prohibited acts contained in chapters 701 to 721 within the previous 5-year period, provided that, whenever more than one prohibited act is violated at the same time, multiple convictions shall be considered as one offense. For purposes of this subsection, records maintained by the department shall commence on January 1, 1984.

Sec. 2. 12 MRSA §7077, sub-§7 is enacted to read:

7. Notification. The commissioner shall send a written notice to any person whose license or permit has been revoked or suspended as the result of provisions contained in chapters 701 to 721

The notice shall explain the type of license or permit which has been revoked or suspended, the length and effective date of the suspension or revocation and any opportunity for a hearing.

Service of the notice shall be sufficient if sent by first class mail to the address given by the person named in the notice.

Sec. 3. 12 MRSA §7079 is enacted to read:

§7079. License revocation of habitual violator

1. Conviction of violation. If any habitual

violator, as defined in section 7001, subsection 13-A, is convicted of a violation of any provision of chapters 701 to 721, the commissioner shall revoke all licenses and permits held by that person. No license may be granted to that person for a period of 3 years from the date of revocation.

2. Hearing provisions.

A. Any person whose licenses and permits have been revoked under this section may, within 30 days of the effective date of the revocation, petition for a hearing before the commissioner to show cause why his licenses and permits should not have been revoked.

B. If, after the hearing, the commissioner finds that the person's record does not bring him within the definition of an habitual violator, the revocation shall be rescinded. If the commissioner finds that the person's record does bring him within the definition of an habitual violator, the revocation shall remain in effect. If the petitioner denies any of the facts contained in the record, he shall have the burden of proof.

Sec. 4. 12 MRSA §7901, sub-§5 is enacted to read:

5. Whenever a violation of any prohibited act in chapters 701 to 721 is committed by an habitual violator, as defined in section 7001, subsection 13-A, the penalty for that violation shall be a fine of not less than \$500 and a term of imprisonment of not less than 3 days, this fine and imprisonment not to be suspended.

Sec. 5. 12 MRSA §7954 is enacted to read:

§7954. Conviction record of habitual violator

A certificate, signed by the commissioner or a person designated by him, setting forth the conviction record as maintained by the department of any person whose record brings him within the definition of an habitual violator, as defined in section 7001, subsection 13-A, is admissible in evidence in all courts of the State for purposes of sentencing. That certificate is prima facie evidence that the person named therein was duly convicted by the court, wherein that conviction was made, of each offense set forth in the certificate. If the person named in the certificate denies any of the facts stated therein, he shall have the burden of proof.