

§10902. Suspension or revocation of or refusal to issue license or permit

1. Conviction or adjudication of violation. Any conviction, adjudication, deferred disposition pursuant to Title 17-A, section 1902, subsection 1 or written filing agreement with the State pursuant to the Maine Rules of Unified Criminal Procedure, Rule 11B for a violation of this Part is grounds for suspension of any license or permit issued under this Part. Except when provided by law, the commissioner shall determine the suspension period. To suspend a license or permit based upon a conviction or adjudication, the commissioner shall follow the procedures under section 10903. A suspension or revocation of a license by the District Court is subject to the provisions of subsection 5. [PL 2023, c. 265, §1 (AMD).]

2. Refusal to issue license or permit. If a person is convicted, is adjudicated, enters into a deferred disposition pursuant to Title 17-A, section 1902, subsection 1 or enters into a written filing agreement with the State pursuant to the Maine Rules of Unified Criminal Procedure, Rule 11B in violation of any provision of this Part and is not the holder of a valid license or permit issued under this Part, the commissioner may refuse to issue a related license or permit to that person for up to 5 years following the date of conviction or adjudication, except when the killing or wounding of a human being has occurred, in which case the commissioner may refuse to issue the license or permit for a period of not less than 5 years.

[PL 2023, c. 265, §2 (AMD).]

3. Failure to pay fine; reinstatement fee. If a license, permit or registration is suspended pursuant to this section or Title 14, section 3142, the suspension remains in effect until the person pays the fine and the reinstatement fee under subsection 11. For the purposes of this subsection, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

[PL 2021, c. 411, §2 (AMD).]

4. Mandatory revocation of all licenses issued by the department. A person's license must be revoked under the following circumstances.

A. If a person holding a license or permit under this chapter is convicted of the violation of any provision of Title 17-A while on a hunting or fishing trip or in the pursuit of wild animals, wild birds or fish, the commissioner shall revoke the license or permit held by that person for a period of at least one year, except when the killing or wounding of a human being has occurred, in which case the commissioner shall revoke the license or permit for at least 5 years. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Any license issued by the department in effect at the time a person is convicted of a violation of section 12256, disturbing traps, is revoked upon conviction and must be immediately surrendered to the commissioner and the person is ineligible to obtain any license issued by the department as specified in section 10752, subsection 6, paragraph A. [PL 2013, c. 538, §4 (AMD).]

C. If an habitual violator, as defined in section 10605, subsection 1, is convicted or adjudicated of a violation of any provision of this Part, the commissioner shall revoke all licenses and permits held by that person. That person is ineligible to have a license for a period to be determined by the commissioner, which may not be less than 3 years from the date of revocation. A hearing for a person whose licenses and permits have been revoked under this paragraph is governed by the following.

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

(2) If, after the hearing, the commissioner finds that the petitioner's record does not bring the petitioner within the definition of an habitual violator, the commissioner shall rescind the revocation. If the commissioner finds that the petitioner's record does bring the petitioner

within the definition of an habitual violator, the revocation remains in effect. If the petitioner denies any of the facts contained in the record, the petitioner has the burden of proof. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §98 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2013, c. 538, §4 (AMD).]

5. Hunting license revocation or suspension for endangerment or harm to another. The commissioner may bring a complaint in the District Court seeking to revoke or suspend the current hunting license or the privilege to obtain a hunting license of any person whom the commissioner reasonably believes to have killed, wounded or recklessly endangered the safety of another human being while hunting in this State or another jurisdiction. The District Court shall revoke or suspend the person's license or privilege for a period of at least 5 years if the court finds that the person, while hunting, has killed, wounded or recklessly endangered the safety of another human being and the public safety will be endangered by the person's retention of that license or privilege. For the purpose of this subsection, "recklessly" has the same meaning as that set out in Title 17-A, section 35, subsection 3.

A. A person whose hunting license has been revoked or suspended or whose right to hunt or the right to obtain a hunting license has been denied under this subsection, may, after the expiration of one year from the date of the revocation or suspension, petition the commissioner for restoration of the person's privilege to procure such a license. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The commissioner, after hearing, may restore the petitioner's privilege if the commissioner determines that the public safety will not be endangered by restoring that privilege. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. [PL 2013, c. 375, §3 (RP).]

[PL 2013, c. 375, §3 (AMD).]

6. Mandatory hunting license revocation for certain violations. The commissioner shall suspend a person's hunting license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted of:

A. A closed season violation, in violation of section 11201 as it relates to bear, deer or moose; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Hunting while under the influence of intoxicating liquor or drugs, in violation of section 10701; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Night hunting, in violation of section 11206; [PL 2011, c. 253, §14 (AMD).]

D. Discharging a firearm within 100 yards of a residential dwelling without owner permission, in violation of section 11209; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

E. Buying or selling bear in violation of section 11217 or hunting or trapping bear or exceeding the bag limit on bear in violation of section 11351; [PL 2021, c. 100, §1 (AMD); PL 2021, c. 100, §13 (AFF).]

F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after having killed one in violation of section 11217 or 11501 or unlawfully hunting or possessing an antlerless deer in a wildlife management district in which the taking of antlerless deer is not allowed in violation of section 11152, subsection 1-A; [PL 2021, c. 599, §2 (AMD).]

G. Buying or selling moose, unlawfully hunting moose or unlawfully possessing moose, in violation of section 11154, 11217, 11601, 11651-A, 11652, 12302-A, 12304-B, 12305 or 12403; [PL 2021, c. 54, §3 (AMD).]

H. Buying or selling wild turkeys, unlawfully hunting wild turkeys, unlawfully possessing wild turkeys or using unlawful methods to hunt wild turkeys, in violation of section 11217, subsection 1; section 11751-A; section 11801; or section 12306, subsection 1; [PL 2013, c. 538, §6 (AMD).]

I. Hunting bear over another person's bait without written permission of that person in violation of section 11301, subsection 1-A; [PL 2021, c. 580, §3 (AMD).]

J. Hunting or any violation of section 10906 while that person's license is revoked; or [PL 2021, c. 580, §4 (AMD).]

K. A 2nd violation of civil trespass with a hunting dog in violation of section 10657-A. [PL 2021, c. 580, §5 (NEW).]

[PL 2021, c. 580, §§3-5 (AMD); PL 2021, c. 599, §2 (AMD).]

6-A. Mandatory hunting license revocation when using a suppressor. The commissioner shall suspend a person's hunting license for at least 3 years if that person is convicted of any violation listed in subsection 6 and found to have been in possession, at the time of the offense, of a firearm with a device used to suppress or deaden the sound or natural report of the firearm.

[PL 2021, c. 112, §1 (NEW).]

7. Mandatory hunting license revocation; coyote hunting violation. A hunting license of a person convicted of hunting coyote in violation of section 11160 or 12001 must be revoked and that person is ineligible to obtain any hunting license for a period of one year from the date of conviction. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §100 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

7-A. Hunting with night vision equipment or thermal imaging device. A hunting license of a person convicted of night hunting in violation of section 11206, subsection 1 and found to have been in possession of night vision equipment or a thermal imaging device at the time of the offense must be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction.

[PL 2021, c. 54, §4 (AMD).]

7-B. Destroying or defacing property posting signs. A license, permit or registration issued by the department in effect at the time a person is convicted of destroying, tearing down, defacing or otherwise damaging a property posting sign in violation of section 10652, subsection 1, paragraph A must be revoked, and that person is ineligible to obtain any license, permit or registration issued by the department for a period of one year from the date of conviction.

[PL 2021, c. 54, §5 (AMD).]

7-C. Hunting deer over bait. A hunting license of a person adjudicated of placing or hunting over bait in violation of section 11452, subsection 1 must be revoked, and that person is ineligible to obtain a hunting license as follows:

A. For a first offense, for a period of one year from the date of adjudication; and [PL 2019, c. 630, §2 (AMD).]

B. For a 2nd offense, for a period of 2 years from the date of adjudication. [PL 2019, c. 630, §2 (AMD).]

[PL 2019, c. 630, §2 (AMD).]

7-D. Civil trespass with hunting dog. The commissioner shall revoke the dog training and hunting permit of a person convicted or adjudicated of civil trespass with a hunting dog in violation of section 10657-A, and that person is ineligible to obtain a dog training and hunting permit under section 11163 as follows:

A. For a first offense, for a period of one year from the date of adjudication; and [PL 2021, c. 580, §6 (NEW).]

B. For a 2nd offense, for a period of 2 years from the date of adjudication. [PL 2021, c. 580, §6 (NEW).]

[PL 2021, c. 580, §6 (NEW).]

8. Mandatory revocation of fishing license. The commissioner shall suspend a person's fishing license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted or adjudicated of:

A. Introducing fish into a private pond without a permit in violation of section 12511; [PL 2013, c. 358, §2 (AMD).]

B. Taking or possessing sport fish in violation of bag, weight and size limits in violation of section 12602, as it relates to trout, salmon, togue and black bass, whenever the violation involves twice the general bag and possession limit adopted by rule by the commissioner for that species of fish; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B-1. [PL 2013, c. 358, §2 (RP).]

C. Importing live bait fish or smelts, in violation of section 12556; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

D. Buying or selling freshwater sport fish, in violation of section 12609-A; [PL 2013, c. 538, §9 (AMD).]

E. Taking fish by explosive, poisonous or stupefying substances, in violation of section 12653; or [PL 2013, c. 538, §10 (AMD).]

F. Fishing or any violation of section 10906 while that person's license is revoked. [PL 2013, c. 538, §11 (NEW).]

The commissioner shall suspend a person's fishing license for 5 years and may suspend any other license issued under this Part and held by that person if the person is convicted or adjudicated of illegally importing, transporting or possessing live freshwater fish or fish gametes under sections 12509, 12510, 12512 and 12611, except that this mandatory revocation does not apply to offenses involving live bait fish or smelts.

[PL 2013, c. 538, §§9-11 (AMD).]

9. Discretionary suspension for certain ATV violations; training. The commissioner may suspend all licenses, permits and registrations issued by the department pursuant to this Part to any person convicted or adjudicated of:

A. Operating an ATV on a temporarily closed trail as prohibited under section 13157-A, subsection 24; or [PL 2005, c. 626, §1 (AMD).]

B. [PL 2005, c. 626, §1 (RP).]

C. [PL 2005, c. 626, §1 (RP).]

D. [PL 2005, c. 626, §1 (RP).]

E. [PL 2005, c. 626, §1 (RP).]

F. Operating an ATV on the land of another without permission, as prohibited under section 13157-A, subsection 1-A. [PL 2011, c. 691, Pt. A, §8 (AMD).]

G. [PL 2005, c. 626, §1 (RP).]

If the commissioner suspends a license, permit or registration pursuant to this subsection, the suspension must be for at least 90 days. The commissioner shall reinstate licenses, permits and registrations that have been suspended pursuant to this subsection after the period of suspension has elapsed and after the person satisfactorily completes, in accordance with procedures established by the commissioner by rule, a training program approved by the department relating to safety and ethics in

the operation of ATVs. The costs of this training program are borne by the person undertaking the training. The commissioner shall establish by rule the procedures for completion of mandatory training pursuant to this subsection. A person who satisfactorily completes a training program approved by the department pursuant to this subsection is deemed to have satisfied the outdoor ethics training course requirements established under section 10903. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 691, Pt. A, §8 (AMD).]

10. Mandatory suspension for certain ATV, snowmobile and watercraft violations. The commissioner shall suspend for at least one year all licenses, permits and registrations issued by the department pursuant to this Part to any person convicted or adjudicated of:

A. Abuse of another person's property as prohibited under section 13157-A, subsection 22; [PL 2005, c. 626, §2 (NEW).]

B. Operating an ATV, snowmobile or watercraft under the influence as prohibited under section 10701, subsection 1-A, paragraph D; [PL 2019, c. 452, §8 (AMD).]

C. Operating an ATV to endanger, as prohibited under section 13157-A, subsection 11, operating a snowmobile to endanger, as prohibited under section 13106-A, subsection 10, or operating a watercraft to endanger, as prohibited under section 13068-A, subsection 5; [PL 2019, c. 452, §8 (AMD).]

D. Reckless operation of an ATV, as prohibited under section 13157-A, subsection 10, reckless operation of a snowmobile, as prohibited under section 13106-A, subsection 9, or reckless operation of a watercraft, as prohibited under section 13068-A, subsection 6; or [PL 2019, c. 452, §8 (AMD).]

E. Failure or refusal to stop an ATV or attempting to elude an officer, as prohibited under section 10651, subsection 1, paragraphs D and E, failure or refusal to stop a snowmobile or attempting to elude an officer, as prohibited under section 10651, subsection 1-E, or failure or refusal to stop a watercraft or attempting to elude an officer, as prohibited under section 10651, subsection 1-E. [PL 2019, c. 452, §8 (AMD).]

The commissioner shall reinstate licenses, permits and registrations that have been suspended pursuant to this subsection after the period of suspension has lapsed and after that person has successfully completed an ethics course as required by the department and has successfully completed a safety course as required by the department that relates to the specific violation for which the person was convicted or adjudicated.

[PL 2019, c. 452, §8 (AMD).]

11. Reinstatement fee. A person who has had a license, permit or registration suspended or revoked pursuant to this section or Title 14, section 3142 must pay a \$50 reinstatement fee, and a suspension or revocation remains in effect until the person pays the fee. The reinstatement fee must be deposited into the Landowner Relations Fund established in section 10265.

[PL 2021, c. 411, §3 (NEW).]

SECTION HISTORY

RR 2003, c. 2, §19 (COR). PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 592, §2 (AMD). PL 2003, c. 592, §5 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §§B97-103 (AMD). PL 2003, c. 655, §§B422,C5,6 (AFF). PL 2003, c. 695, §B8 (AMD). PL 2003, c. 695, §C1 (AFF). PL 2005, c. 397, §E3 (AMD). PL 2005, c. 477, §3 (AMD). PL 2005, c. 626, §§1,2 (AMD). PL 2011, c. 253, §§13-17 (AMD). PL 2011, c. 309, §1 (AMD). PL 2011, c. 691, Pt. A, §§7, 8 (AMD). PL 2013, c. 280, §§3-5 (AMD). PL 2013, c. 358, §2 (AMD). PL 2013, c. 375, §3 (AMD). PL 2013, c. 538, §§3-11 (AMD). PL 2017, c. 50, §2 (AMD). PL 2017, c. 202, §1 (AMD). PL 2017, c. 355, §1 (AMD). PL 2019, c. 452, §8 (AMD). PL 2019, c.

630, §2 (AMD). PL 2021, c. 54, §§3-5 (AMD). PL 2021, c. 100, §1 (AMD). PL 2021, c. 100, §13 (AFF). PL 2021, c. 112, §1 (AMD). PL 2021, c. 411, §§2, 3 (AMD). PL 2021, c. 580, §§3-6 (AMD). PL 2021, c. 599, §2 (AMD). PL 2023, c. 265, §§1, 2 (AMD).

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