

## Office of Policy and Legal Analysis

Date: March 7, 2021  
To: Joint Standing Committee on Inland Fisheries and Wildlife  
From: Rachel Olson, Legislative Analyst  
Re: LD 223, “An Act To Clarify Maine’s Fish and Wildlife and Registrations Laws” (Alley)

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### Summary

This bill requires payment of a \$50 reinstatement fee to reinstate a suspended or revoked license, permit or registration under the inland fisheries and wildlife laws.

It includes language that is consistent with all-terrain vehicle registration requirements in regard to the form and display of snowmobile registration numbers and stickers and provides that a snowmobile registered after May 1st and prior to July 1st has a registration that is valid for the upcoming winter and expires June 30th of the following year.

It also allows a nonresident junior trapper to purchase a trapping license at the resident junior rate.

### Testimony

**Proponents:** Rep. Robert Alley, sponsor; Bill Swan, DIFW; Steve Wood; James Cote; Maine Trappers Assoc.;

- Nonresident junior trapping fee is a significant barrier to entry for nonresident junior trappers who may wish to accompany a family member or friend on a trip to Maine; important for lowering/eliminating barriers to youth hunting
- Proposed snowmobile registration changes are consistent with ATV registrations
- Junior trapping license fee supports departments R3 efforts (recruitment, retention, reactivation)
- Proposed changes for reinstatement fees would apply to all suspensions or revocations and increases the fee to \$50 – in line with administrative costs incurred

**Opponents:** None

**Neither for nor against:** Dave Trahan, SAM-ILA;

- Would like to see funds go to support specific program

### Possible Amendments

- Would like to see an ethics course requirement on every license reinstatement
- Would like to see funds from fees go into specific program, such as landowner relations program, and not back into the general fund

### Additional Information

- Question: Why do people get their licenses revoked/suspended?

- There are many reasons for suspension or revocation. They reasons are outlined in Title 12, section 10902. I have included that section here, both as a [hyperlink](#) and as an additional document.
- Steve Wood raised the issue of ATV revocations and requiring an ethics course before the license is reinstated.
  - From the department: There currently is a provision for reinstatement of ATV, snowmobile and watercraft privileges after a person is convicted or adjudicated of a violation of Title 12 §10902 part 10 once the suspension is completed and they have completed an ethics class and safety class.

**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).]

### **Notes/Potential Issues**

- (Sec. 1) The bill strikes the statutory reference to the definition of “fine,” but still refers to a fine. This may need to be added back in.
- (Sec. 3) By removing the word “resident” from paragraphs B and C in §12201, sub-§2 (trapping license) and replacing it with the word “person,” it opens these two categories up to

both citizens and non-citizens under the age of 16. This may be in conflict with paragraph E, which places a restriction on non-citizen trappers pursuant to §12259, subsection 3:

E. If a nonresident is not a citizen of the United States, the nonresident may purchase a nonresident trapping license but may not trap any species other than beaver pursuant to section 12259, subsection 3.

And

**3. Nonresident trapping beaver.** A nonresident may not trap beaver in this State unless that nonresident's state or province of residency allows Maine residents to trap beaver in that state or province.

- (Sec. 6) The new subsection refers only to annual fees, but the original section included both annual resident fees and the 3-day, 10-day, and seasonal non-resident fees. I believe the intent is to include both resident and non-residents in the requirements to register, pay a fee, and the \$1 processing fee. If so, the word “annual” should be struck from the new section.
- (Sec. 6) Additionally, only a resident annual registration is valid for one year. Non-resident 3-day, 10-day, and seasonal registrations are valid for the dates specified on the registration. The word “annual” should be added back into this section in this location.
- (Sec. 6) The new subsection states that “the registration number in the form of stickers issued by the commissioner must be clearly displayed on both sides of the snowmobile.” Subsection 12-A, paragraph A, subparagraph 2 states that one must “display a registration number assigned to a snowmobile in such form and manner as the commissioner may determine.” Consider changing the language here to reflect the manner of display outlined in the new subsection.

*Please see below for the sections of current statute related to snowmobiles.*

### **Fiscal Impact**

- Fiscal Status: Not Yet Determined
  - As this bill deals with license fees/reinstatement fees, a fiscal note will be required.

### **Links**

- [LD 223 \(Original bill\)](#)
- [Testimony](#)
- [12 MRSA §10604. Sentencing alternative; habitual violator](#)
- [12 MRSA §10902. Suspension or revocation of or refusal to issue license of permit](#)
- [12 MRSA §12201. Trapping license](#)
- [12 MRSA §12256. Disturbing traps of another](#)
- [12 MRSA §13104. Registration](#) (snowmobiles)
- [14 MRSA §3142. Contempt hearing and punishment](#) (Court procedure – Civil, Enforcement of Fines Owed to the State)
- [Title 17-A: Maine Criminal Code](#)

## Statute for reference

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### [12 MRSA §13104. Registration](#) (snowmobiles)

**2. Application and issuance.** The commissioner or the commissioner's designee may register and assign a registration number to all snowmobiles upon application and payment of a registration fee by the owner. The commissioner shall charge a fee of \$1 for each registration issued by department employees.

[PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**3. Form of registration.** The snowmobile registration must be in such form as the commissioner may determine except that the commissioner shall develop a single form of registration that can be used for the 3-day, 10-day or seasonal nonresident registrations.

[PL 2015, c. 237, §1 (AMD).]

**4. Fee.** Except as provided in subsection 5, the annual snowmobile registration fee is as follows:

A. For residents, \$45. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year; and [PL 2015, c. 237, §2 (AMD).]

B. For nonresidents:

(1) Forty-nine dollars for a 3-consecutive-day registration. A person may purchase more than one 3-day registration in any season;

(2) Ninety-nine dollars for a seasonal registration; and

(3) Seventy-five dollars for a 10-consecutive-day registration. A person may purchase more than one 10-day registration in any season.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

**12-A. Registration certificate; inspection and display.** The following provisions apply to registration certificates and numbers.

A. A person shall:

(1) Provide a registration certificate or an online registration receipt for inspection by any law enforcement officer on demand; and

(2) Display a registration number assigned to a snowmobile in such form and manner as the commissioner may determine, except that an antique snowmobile is not required to display registration numbers. A person may operate a snowmobile registered online without displaying a registration number until that person receives the registration certificate from the department or for 30 days after registering the snowmobile online, whichever occurs first.