

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

- (a) Payments in full for current support;
- (b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Health and Human Services; and
- (c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

B. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]
[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF); PL 2003, c. 689, Pt. B, §6 (REV).]

2. Compliance. In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19-A, section 2201.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Noncompliance with support order. An applicant for the issuance or renewal of a license or an existing licensee who is not in compliance with a support order is subject to the requirements of Title 19-A, section 2201.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §96 (RPR); PL 2003, c. 655, Pt. B, §422 (AFF).]

4. Suspension of license. If a license or registration is suspended pursuant to Title 19-A, section 2201, the suspension remains in effect until the person is in compliance with the support order. On condition of payment of a \$25 reinstatement fee to the department, the suspension is rescinded and the license reinstated.

[PL 2003, c. 655, Pt. B, §96 (NEW); PL 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B96 (RPR). PL 2003, c. 655, §B422 (AFF). PL 2003, c. 689, §B6 (REV).

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

1. Conviction or adjudication of violation. Any conviction or adjudication for a violation of this Part is grounds for suspension of any license or permit issued under this Part. Except where 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 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

2. Refusal to issue license or permit. If a person is convicted or adjudicated of a 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 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §97 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

3. Failure to pay fine. If a license or registration is suspended pursuant to this section or Title 14, section 3142, the suspension remains in effect until the person pays the fine. On condition of payment of a \$25 reinstatement fee to the department, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the department, which, upon receipt of the \$25 reinstatement fee, shall delete any record of the suspension from that person's record. For the purposes of this subsection, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

[PL 2013, c. 538, §3 (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, hunting or trapping bear after having killed 2 or exceeding the bag limit on bear, in violation of section 11217, 11351 or 12260; [PL 2011, c. 691, Pt. A, §7 (RPR).]

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 for which no antlerless deer permits have been issued in violation of section 11152, subsection 1-A; [PL 2013, c. 538, §5 (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-A, 12305 or 12403; [PL 2013, c. 280, §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; or [PL 2013, c. 538, §7 (AMD).]

J. Hunting or any violation of section 10906 while that person's license is revoked. [PL 2013, c. 538, §8 (NEW).]
[PL 2013, c. 538, §§5-8 (AMD).]

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. 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 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 2003, c. 592, §2 (NEW); PL 2003, c. 592, §5 (AFF); PL 2003, c. 655, Pt. C, §§5, 6 (AFF).]

7-B. Destroying or defacing property posting signs. The hunting and fishing licenses of a person convicted of destroying, tearing down, defacing or otherwise damaging a property posting sign in violation of section 10652, subsection 1, paragraph B must be revoked, and that person is ineligible to obtain a hunting or fishing license for a period of one year from the date of conviction. [PL 2017, c. 50, §2 (NEW).]

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).]

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).]

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).

§10903. Effective date for suspensions

1. For mandatory suspension. For a violation having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license holder must surrender the license immediately to the commissioner. That person is not entitled to a hearing under section 10905 if the suspension period does not exceed the minimum period of suspension required by law. In addition to any suspension period ordered by the commissioner, a person whose license is suspended for a violation having a mandatory suspension must successfully complete an outdoor ethics course as provided in section 10903-A in order to be eligible to have that license reinstated. A person is not required to complete the outdoor ethics course under section 10903-A if that person's license is revoked under the interstate wildlife violator compact authorized in accordance with section 10103 as a result of a conviction occurring outside of the State and that person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.

[PL 2013, c. 538, §12 (AMD).]

2. For all other suspensions. For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the commissioner. That person must surrender that license to the commissioner upon receipt of a notice of suspension and is entitled to a hearing under section 10905. The commissioner shall adopt rules specifying the conditions under which a person whose license is suspended for a violation that does not carry a mandatory suspension is required to complete an outdoor ethics course as provided in section 10903-A. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 538, §12 (AMD).]

SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2011, c. 576, §6 (AMD). PL 2013, c. 538, §12 (AMD).

§10903-A. Outdoor ethics course