



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1031

H.P. 766

House of Representatives, March 10, 2021

An Act To Create an Administrative Review Process for Hunting Violations

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.
Cosponsored by Representatives: BERNARD of Caribou, KRYZAK of Acton, THERIAULT of China.

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

2 **Sec. 1. 12 MRSA §10657, sub-§4** is enacted to read:

3 **4. Administrative penalties; mutually exclusive penalties.** A person who violates
4 this section who is not convicted or adjudicated of a crime or civil violation under
5 subsection 2 may be subject to administrative penalties under section 10902-A. A person
6 who violates this section and receives an administrative penalty for that violation under
7 section 10902-A is not subject to conviction or adjudication under this section for that
8 violation.

9 **Sec. 2. 12 MRSA §10902-A** is enacted to read:

10 **§10902-A. Suspension of license through administrative process for civil trespass**
11 **while hunting**

12 The department in an adjudicatory proceeding may impose an administrative penalty
13 for a violation of section 10657 in accordance with this section.

14 **1. Initiation and notice.** If the director of the Bureau of Warden Service delivers to
15 the commissioner a written statement under oath that the director has probable cause to
16 suspect that a person has violated section 10657 while hunting and the person alleged to
17 have violated section 10657 has not been convicted or adjudicated of a crime or civil
18 violation under that section, the commissioner immediately shall examine the statement
19 and determine whether to conduct an adjudicatory proceeding for the purpose of imposing
20 an administrative penalty under this section. If the commissioner determines that the
21 imposition of a penalty is necessary, the commissioner shall, in accordance with Title 5,
22 section 9052, immediately notify the person who is alleged to have violated section 10657.
23 The provided notice under this subsection must state that the person may request a hearing
24 in accordance with subsection 2 within 10 days of receipt of notice. Notice is deemed
25 received 3 days after the mailing. If a person who has been notified pursuant to this
26 subsection does not request a hearing within 10 days after receipt of notice, the
27 commissioner may implement administrative penalties under subsection 3 without a
28 hearing.

29 **2. Hearing.** If a person alleged to have violated section 10657 requests a hearing
30 pursuant to subsection 1, the commissioner or commissioner's designee shall appoint a
31 presiding officer who shall hold the hearing within 30 business days after the request. If
32 the hearing is continued, it must be held no later than 60 days after the original notice,
33 unless the presiding officer finds that a continuance beyond 60 days is warranted. The
34 hearing must be held in accordance with Title 5, chapter 375, subchapter 4, except that:

35 A. Issues of the hearing are limited to whether the person while hunting violated
36 section 10657;

37 B. If the presiding officer determines that the person while hunting committed a
38 violation of section 10657, the presiding officer shall immediately notify the
39 commissioner of the finding; and

40 C. The presiding officer shall provide a written decision that contains the findings and
41 recommended penalties under subsection 3 no more than 10 business days after
42 completion of the hearing, after which the commissioner or the commissioner's
43 designee may take administrative action under subsection 3.

