

**§10752. Eligibility**

**1. Residents.** A resident is eligible for a resident license or permit under this Part. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**2. Nonresidents.** A nonresident is eligible for a nonresident license or permit under this Part. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

**3. Aliens.** [PL 2017, c. 427, §4 (RP); PL 2017, c. 427, §19 (AFF).]

**4. Member of United States Armed Forces permanently stationed in State.** The following persons are eligible for any trapping, fishing, hunting or combination fishing and hunting license or permit at the resident fee and have the same privileges as residents of this State in regard to trapping, hunting and fishing:

A. A person serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State; and [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. The spouse and children of a person under paragraph A if the spouse and children permanently reside with that person. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

A member of the Armed Forces of the United States stationed in the State who desires a trapping, hunting, fishing or combination license or permit shall present certification from the commander of the member's post, station or base, or from the commander's designated agent, that the person is permanently stationed at that post, station or base.

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

**5. Persons convicted of burglary, criminal trespass or theft.** A person convicted of any of the following offenses is ineligible to obtain a license or permit issued by the department:

A. Burglary or criminal trespass of a building located within the unorganized territories; [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

B. Theft of equipment used for trapping, hunting or fishing; or [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

C. Theft of an animal that has been obtained by trapping or hunting and that was in the possession or control of the person who trapped or hunted the animal. [PL 2003, c. 414, Pt. A, §2 (NEW); PL 2003, c. 614, §9 (AFF).]

If a person is convicted of an offense under paragraph A, B or C, that person is ineligible to obtain a license or permit issued by the department within 2 years of the date of that conviction.

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**6. License ineligibility following certain offenses.** The following provisions set the period of time a person is ineligible to obtain a license following conviction of certain offenses.

A. A person convicted of a violation of section 12256, disturbing traps, is ineligible to obtain any license issued by the department for 3 years from the date of conviction in the case of a first offense and 5 years from the date of conviction in the case of a 2nd or subsequent offense. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

B. Notwithstanding any other provision of this Part, a person is ineligible to obtain a hunting license under the following circumstances.

(1) A person convicted of shooting a domestic animal in violation of section 11210 is ineligible to obtain a license to hunt in this State for a period of at least 5 years from the date of conviction.

(2) A person convicted of hunting while under the influence of intoxicating liquor or drugs in violation of section 10701, subsection 1-A is ineligible to obtain a license to hunt in this State for a period of 5 years from the date of conviction.

(3) A person convicted of a violation of Title 17-A, chapter 9, if the offense occurred in the context of a hunting activity and if, through failure of the hunter to make proper target identification, the offense resulted in the injury or death of another person, is ineligible to obtain a license to hunt in this State for a period of at least 10 years from the date of the conviction. [PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

[PL 2003, c. 614, §9 (AFF); PL 2003, c. 655, Pt. B, §85 (AMD); PL 2003, c. 655, Pt. B, §422 (AFF).]

**7. Nonresident student enrolled in an institution of higher education.** In accordance with this subsection, a nonresident student is eligible for any hunting, fishing, trapping or combination hunting and fishing license or permit under this Part at the resident fee and upon obtaining that license or permit has the same privileges under this Part and rules adopted under this Part as a resident holder of that license or permit.

In order to obtain a hunting, fishing, trapping or combination hunting and fishing license or permit under this subsection, a person must demonstrate to the satisfaction of the commissioner that the person is a nonresident student and has been enrolled as a full-time student in an institution of higher education for at least one semester prior to applying for a license or permit under this subsection. The commissioner shall stamp or otherwise indicate on the license or permit issued to the nonresident student that it has been issued to a nonresident student. The license or permit remains valid for one year from issuance unless otherwise suspended or revoked.

For purposes of this subsection, "nonresident student" means a nonresident who is 18 years of age or older and under 24 years of age who is enrolled as a full-time student in an institution of higher education. For purposes of this subsection, "institution of higher education" means an institution of higher education located in this State that meets the requirements of and conforms to the definitions contained in the federal Higher Education Act of 1965, as amended, 20 United States Code, Section 1001(a) and the regulations, guidelines and procedures promulgated by the Secretary of Education pursuant to that Act.

[PL 2015, c. 226, §1 (NEW).]

#### SECTION HISTORY

PL 2003, c. 414, §A2 (NEW). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2003, c. 655, §B85 (AMD). PL 2003, c. 655, §B422 (AFF). PL 2015, c. 226, §1 (AMD). PL 2017, c. 427, §4 (AMD). PL 2017, c. 427, §19 (AFF).

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