# **09-137 DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**Chapter 21: LICENSING AND REGISTRATION AGENTS**

21.01 Scope of Rules

These rules have been adopted pursuant to Title 12 MRSA, 7035, 7072, and 7074 and are applicable to the establishment and requirements of licensing and registration agents for the purpose of issuing hunting, fishing, and trapping licenses and permits and issuing boat, ATV, and snowmobile registrations on behalf of the Commissioner.

21.02 Agent Types and Authorities

There are two basic types of agents: MOSES agents and manual agents.

MOSES agents will sell licenses through an Internet connection to a centralized database using a PC and printer at the agent location. MOSES is the acronym for Maine Online Sportsman's Electronic System, which is the Departments electronic licensing, registration, and permitting system. MOSES agents are eligible to issue hunting, fishing, and trapping licenses and permits, and new and renewal boat, ATV, and snowmobile registrations.

Manual agents may issue licenses and registrations using preprinted paper forms. Manual agents are eligible to issue only hunting and fishing licenses and boat, ATV, and snowmobile renewal registrations.

21.03 Selection and Operation Standards

Existing Agents

Existing agents with license or registration sales that total 500 or more per year based on the 1999 year will be established as MOSES agents unless the agent presents sufficient evidence to persuade the Commissioner, in his sole discretion, that there are compelling business reasons why being a MOSES agent at this time is not reasonable. The commissioner encourages all agents with access to a permanent phone service and Internet connectivity to become MOSES agents as soon as possible. All existing agents must file an agent enrollment form and sign a new agent agreement form with the Commissioner between July 1, 2001, and December 1, 2001 to continue to serve as a license and/or registration agent. All existing agents must attend a training program conducted by the Department before the commencement of the 2002 license or registration year.

New Agents

All new agent applicants must submit an agent application form and the agent agreement form before being considered as an agent for the commissioner. All new applicants must become MOSES agents unless the commissioner determines that the Department needs in the area affected require additional manual agents. For this purpose, the Commissioner may require supplemental information from any applicant requesting to be a manual agent.

Each agent applicant must demonstrate creditworthiness by allowing the Department to perform credit checks with any credit organization and provide any other supplemental information deemed necessary by the Commissioner for this purpose.

All new agents must complete training as required in the agent agreement form.

Standards for All Agents

Any agent located outside of the State of Maine must provide and maintain a $10,000 minimum bond that guarantees payment to the Department in the event of Agent default and is otherwise in a form and issued by a surety satisfactory to the Commissioner.

All agents must guarantee that license and registration customers will be serviced in a timely, helpful, courteous manner by all clerks within the agency and all clerks will be properly trained to complete sales transaction according to the Department requirements.

All agents must accept the responsibility for compliance with all pertinent laws, regulations, Department policies, performance standards, and reporting and payment requirements regarding the sale or issuance of licenses and/or registrations.

All agents must acknowledge receipt of inventory items received and accept the financial responsibility for all licenses, stickers, and plates held in their inventory.

All agents must be responsible for payment of bank charges and Department costs to process a returned check and any other special fees or charges incurred by the Department due to the agent's activities.

21.04 Agent Reporting & Payment Requirements

1. MOSES Agents

MOSES agents will ordinarily be electronically billed on a weekly basis for sales completed during the previous seven days. This seven‑day period will be considered the reporting period. All agents other than municipalities will be required to provide the Department with access to a bank account where the Department monies covering sales will be deposited. The Department recommends that agents establish a bank account to be used exclusively for Department money. The weekly electronic invoice will indicate the amount to be electronically withdrawn from the bank account. The agent will have 4 business days after the bill is initiated to review the invoice and dispute any charges. If the charges are not disputed during those 4 days, the Department will initiate an electronic transaction to remove the amount of money owed the Department from the agent's bank account. If the agent disputes the amount of the bill and the dispute cannot be resolved during the 4 days, the Department will set aside the transaction in dispute and electronically withdraw for the remainder of the funds. The Department and the Agent will continue to work to resolve the disputed transaction, subject to final determination by the commissioner. Upon resolution, any appropriate transaction amount will be included in the next electronic invoice and withdrawal. If the electronic withdrawal of funds is rejected by the banks for insufficient funds, the agency will be considered delinquent. If the agent does not provide the proper account numbers and the withdrawal is rejected, the agency will be considered delinquent,

Municipalities will ordinarily be billed weekly. Municipalities that sell over 500 licenses or registrations in a year (based on 1999 sales) will be encouraged to pay on a weekly basis, but will be allowed to establish a payment schedule based on the municipality's approval process for warrants. Lower volume municipalities will be allowed to pay weekly, bi‑weekly, or monthly as stated in the agreement with the department. Municipalities will pay with an electronic funds transfer initiated by the agent or by submitting a check with the payment stub(s) that will be generated as part of the weekly bill. The Department will provide each municipality with the record layout required for the funds transfer to be properly credited to the department's account and then to the agent's outstanding liability with the department. If the record layout required for transfer is not properly prepared and the account is not credited on schedule, the agent will be considered delinquent. Municipalities that submit payment by check will be considered delinquent if the check is not received by the due date that is established at the time of their enrollment in the MOSES system.

2. Manual Agents

Manual Agents with sales of 500 or more licenses or registrations per year (based on 1999 sales) will report license and registration transactions on the 5th and the 20th of each month using report forms provided by the commissioner. The report due on the 5th will include sales from the 16th through the end of the previous month. The report due on the 20th will include sales from the 1st through the 15th of the current month. Manual agents with sales of less than 500 licenses or registrations per year (based on 1999 sales) will report license and registration transactions for the previous month on the 5th of each month on report forms provided by the commissioner from January through August. Sales transactions occurring from September through December must be reported twice a month as described above for agents with sales exceeding 500 licenses or registrations.

Agent reports submitted to the Department must contain a copy of each sales transaction along with all fees in the form of a check, collected for those sales as well as all supplemental supporting documents. Sales reported outside of the proper reporting period will cause the agent to be delinquent for the reporting period when the sales occurred. If no sales occur during a reporting period, the agent must declare that by submitting a No‑Sales Report.

If the Department, within 5 days after the required submission date, does not receive a report the agent will be considered delinquent. If an agent's check is not submitted for the appropriate amount or is returned for insufficient funds or any other reason, the agent will be considered delinquent. In any municipality where municipal procedures preclude compliance with the reporting and payment requirement as stated herein, the municipality may submit a written request and the Commissioner may extend the payment deadline for up to 10 days.

21.05 Agent Agreement Periods and Termination of Agent Services

Each agent must enter into an agreement with the Department on a form prescribed by the Department. The location where sales of licenses and registrations are allowed shall be stated in the Agreement. At the commissioner's discretion, the commissioner may suspend an agent's MOSES capabilities for violations of 3 (a‑c) below with only e‑mail notification of the suspension. Agent agreements will be terminated in any of the following events:

1. The agent no longer wishes to act as a sales agent at the designated sales location, in which case the agent must notify the Department and immediately return all materials and supplies provided by the Department as part of the agent sales program and transfer all monies owed to the Department.

2. The agent sells or leases the business to another party or otherwise attempts to transfer or assign the agreement.

3. The commissioner terminates the agency agreement because of one of the following:

a. Failure to comply with pertinent laws, rules, policies, or performance standards as determined by the commissioner;

b. Delinquencies or failure by the agent in making payments, filing reports, or otherwise complying with the terms of this rule or of the agent agreement, as determined by the commissioner;

c. Changing conditions, circumstances, or legal requirements as determined by the commissioner;

d. Low volume of sales by the agent as determined by the commissioner.

Agent agreements are not transferable or assignable to another person, location, business, or corporation.

21.06 Termination of Agent Services

When the commissioner determines that an agency agreement will be terminated, the commissioner will notify the agent in writing. Immediately upon termination of the agreement, the agent must return all materials, records and supplies provided by the Department as part of the agent sales program, and shall remit any remaining balance of moneys owed to the Department. In this regard, the agent shall follow any directions provided by the commissioner. The commissioner's notice shall explain the reason for the termination of services. If the agent wishes to contest the termination, the agent must appeal to the commissioner in writing within 10 days, specifying all areas of disagreement with the notice. The agent may supplement the appeal with written statements. After reviewing the appeal, the commissioner may decide to take no further action, maintaining the original termination; or the commissioner may modify the termination in any manner determined to be appropriate in the commissioner's discretion. Pending the determination, the original termination will remain in effect and the agent will be suspended from the program. The commissioner's determination is final.

STATUTORY AUTHORITY: 12 MRSA §§ 7035, 7072, 7074

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