

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2043

H.P. 1454

House of Representatives, January 16, 2020

**An Act To Reclassify Certain Offenses under the Inland Fisheries
and Wildlife Laws and Motor Vehicle Laws and Increase the
Efficiency of the Criminal Justice System**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Hallowell.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: BEEBE-CENTER of Rockland, COREY of Windham, COSTAIN of
Plymouth, DUNPHY of Old Town, EVANGELOS of Friendship, MORALES of South
Portland, PICKETT of Dixfield, RECKITT of South Portland.

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

2 **PART A**

3 **Sec. A-1. 12 MRSA §10605, sub-§1**, as affected by PL 2003, c. 614, §9 and
4 amended by c. 655, Pt. B, §64 and affected by §422, is further amended to read:

5 **1. Habitual violator defined.** For purposes of this section, "habitual violator"
6 means a person whose record, as maintained by the department, shows that:

7 A. The person has been convicted of 3 or more criminal violations under this Part, 3
8 or more civil violations under this Part or 3 or more violations under this Part of
9 which at least one is a criminal violation and at least one is a civil violation within the
10 previous 5-year period, except that, whenever more than one criminal violation is or
11 more than one civil violation or multiple violations of which at least one is a criminal
12 violation and at least one is a civil violation are committed at the same time, multiple
13 convictions are deemed to be one offense; ~~or.~~

14 ~~B. The person has been adjudicated as having committed 3 or more civil violations~~
15 ~~under this Part and convicted of 2 or more Class E crimes as a result of such prior~~
16 ~~adjudications within the previous 5-year period.~~

17 **Sec. A-2. 12 MRSA §11109, sub-§1**, as amended by PL 2015, c. 281, Pt. A, §4,
18 is further amended to read:

19 **1. License required.** Except as otherwise authorized pursuant to this Part, a person
20 may not engage in an activity for which a license may be issued under this section unless
21 that person has a valid license issued under this section. An electronic license or permit
22 fulfills the requirement under this subsection that a person must have a physical paper
23 license or permit if the electronic license or permit can be displayed upon request to a
24 game warden or other law enforcement officer, an employee of the department, a
25 registered Maine guide or the owner of the land on which the licensed activity is taking
26 place. ~~Each~~ Except as otherwise provided in this section, each day a person violates this
27 subsection that person commits a Class E crime for which a minimum fine of \$50 and an
28 amount equal to twice the applicable license fee must be imposed.

29 **Sec. A-3. 12 MRSA §11109, sub-§3, ¶A**, as amended by PL 2017, c. 164, §8, is
30 further amended to read:

31 A. A resident junior hunting license, for a person under 16 years of age, is \$8 and
32 permits hunting of all legal species, subject to the permit requirements in subchapter
33 3. Notwithstanding the permit fees established in subchapter 3, a resident junior
34 hunting license includes all permits, stamps and other permissions needed to hunt at
35 no additional cost. A license holder under this paragraph who qualifies to hunt
36 during the special season on deer under section 11153 and who meets the eligibility
37 requirements of section 11106 must have included in that person's license one
38 antlerless deer permit and one either-sex permit. A resident junior hunting license
39 does not exempt the holder of the license from lottery-related application
40 requirements under this Part. A resident under 16 years of age who hunts without a

1 resident junior hunting license commits a civil violation punishable by a fine of \$50
2 for each day of violation.

3 **Sec. A-4. 12 MRSA §11109, sub-§3, ¶F**, as amended by PL 2019, c. 501, §8, is
4 further amended to read:

5 F. A nonresident junior hunting license, for a person under 16 years of age, is \$35
6 and permits hunting of all legal species, subject to the permit requirements in
7 subchapter 3. Notwithstanding the permit fees established in subchapter 3, a
8 nonresident junior hunting license includes all permits, stamps and other permissions
9 needed to hunt at no additional cost. A license holder under this paragraph who
10 qualifies to hunt during the special season on deer under section 11153 and who
11 meets the eligibility requirements of section 11106 must have included in that
12 person's license one antlerless deer permit and one either-sex permit. A nonresident
13 junior hunting license does not exempt the holder of the license from lottery-related
14 application requirements under this Part. A nonresident under 16 years of age who
15 hunts without a nonresident junior hunting license commits a civil violation
16 punishable by a fine of \$70 for each day of violation.

17 **Sec. A-5. 12 MRSA §11159, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
18 and affected by c. 614, §9, is amended to read:

19 **1. Permit required.** Except as otherwise authorized in this Part, a person may not
20 engage in the practice of falconry unless that person has a valid permit issued under this
21 section. Each day a person violates this subsection that person commits a ~~Class E crime~~
22 civil violation for which a ~~minimum~~ fine of \$50 and an amount equal to twice the
23 applicable license fee ~~must~~ may be imposed.

24 **Sec. A-6. 12 MRSA §11212-A, sub-§5**, as amended by PL 2019, c. 325, §4, is
25 further amended to read:

26 **5. Possession of wild animals or wild birds.** A person may not possess a wild
27 animal or wild bird taken in violation of subsection 2 or 3, except as otherwise provided
28 in this Part. A person who possesses a wild animal or wild bird in violation of this
29 subsection commits a civil violation punishable by a fine of up to \$300.

30 **Sec. A-7. 12 MRSA §11212-A, sub-§6**, as enacted by PL 2017, c. 176, §2, is
31 amended to read:

32 **6. Penalty.** Except as provided in subsection 5, a person who violates this section
33 commits a Class E crime.

34 **Sec. A-8. 12 MRSA §11214, sub-§1, ¶F**, as enacted by PL 2003, c. 414, Pt. A,
35 §2 and affected by c. 614, §9, is amended to read:

36 F. Hunt migratory game birds with a shotgun of any description originally capable of
37 holding more than 3 shells, unless the shotgun's magazine has been cut off, altered or
38 plugged with a one-piece filler incapable of removal without disassembling the gun
39 so as to reduce the capacity of the gun to not more than 3 shells in the magazine and

1 chamber combined. A person who violates this paragraph commits a civil violation
2 punishable by a fine of up to \$100. This paragraph does not apply to:

3 (1) Military organizations authorized by law to bear arms or to the National
4 Guard in the performance of its duty;

5 **Sec. A-9. 12 MRSA §11214, sub-§1, ¶I,** as enacted by PL 2003, c. 414, Pt. A,
6 §2 and affected by c. 614, §9, is amended to read:

7 I. Allow duck decoys to remain in waters of Merrymeeting Bay at any time during
8 the period from one hour after legal shooting time until one hour before legal
9 shooting time the next day. A person who violates this paragraph commits a civil
10 violation punishable by a fine of up to \$50;

11 **Sec. A-10. 12 MRSA §11214, sub-§1, ¶J,** as enacted by PL 2003, c. 414, Pt. A,
12 §2 and affected by c. 614, §9, is amended to read:

13 J. Leave or allow to remain in waters of Merrymeeting Bay an artificial cover, that
14 is, a "stationary blind," or parts of an artificial cover used for hunting purposes
15 between one hour after legal shooting time and one hour before legal shooting time
16 the next day. A person who violates this paragraph commits a civil violation
17 punishable by a fine of up to \$50;

18 **Sec. A-11. 12 MRSA §11214, sub-§2,** as enacted by PL 2003, c. 655, Pt. B,
19 §146 and affected by §422, is amended to read:

20 **2. Penalty.** A Except as provided in subsection 1, paragraphs F, I and J, a person
21 who violates subsection 1 commits a Class E crime.

22 **Sec. A-12. 12 MRSA §11301, sub-§2,** as enacted by PL 2003, c. 655, Pt. B,
23 §157 and affected by §422, is amended to read:

24 **2. Penalty.** A person who violates subsection 1 commits a civil violation punishable
25 by a fine of up to \$125. A person who violates ~~this section~~ subsection 1-A commits a
26 Class E crime.

27 **Sec. A-13. 12 MRSA §11302, sub-§3,** as enacted by PL 2003, c. 655, Pt. B,
28 §158 and affected by §422, is amended to read:

29 **3. Penalty.** A person who violates this section commits a ~~Class E crime~~ civil
30 violation punishable by a fine of up to \$150.

31 **Sec. A-14. 12 MRSA §12051, sub-§1,** as repealed and replaced by PL 2013, c.
32 588, Pt. A, §16, is amended to read:

33 **1. Open training season.** Unless otherwise provided in this Part, a person may not
34 train dogs on wild birds and wild animals except as follows.

35 A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st
36 through the following March 31st, including Sundays.

37 B. A person may train sporting dogs on wild birds at any time, including Sundays.

1 C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th
2 day preceding the open season on hunting bear, except in those portions of
3 Washington County and Hancock County that are situated south of Route 9.

4 Except on Sundays, a person may not engage in activities authorized under this
5 subsection unless that person possesses a valid hunting license issued under section
6 11109. A person may train dogs on pen-raised birds at any time without a license. For
7 the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail,
8 pheasant, pigeons and Hungarian partridge.

9 A person who violates this subsection commits a ~~Class E crime~~ civil violation punishable
10 by a fine of up to \$100.

11 **Sec. A-15. 12 MRSA §12051, sub-§6**, as enacted by PL 2013, c. 247, §2 and c.
12 286, §2, is amended to read:

13 **6. Effect of revocation.** A person may not train dogs under this section if that
14 person has a suspended or revoked license pursuant to section 10902. A person who
15 violates this subsection commits a civil violation punishable by a fine of up to \$100.

16 **Sec. A-16. 12 MRSA §12054, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2
17 and affected by c. 614, §9, is amended to read:

18 **2. Rabbit hound field trials.** A person may not hold field trials for beagles and
19 other rabbit hounds except from September 1st through the following April 10th. A
20 person who violates this subsection commits a ~~Class E crime~~ civil violation punishable by
21 a fine of up to \$100.

22 **Sec. A-17. 12 MRSA §12055, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
23 and affected by c. 614, §9, is amended to read:

24 **1. License required.** A club or organization may not hold field trials as provided
25 under this section unless the club or organization has a valid license issued under this
26 section. Each day a person violates this subsection that person commits a ~~Class E crime~~
27 for which a minimum fine of \$50 and civil violation for which a fine in an amount equal
28 to twice the applicable license fee ~~must~~ may be imposed.

29 **Sec. A-18. 12 MRSA §12101, sub-§1-A**, as enacted by PL 2003, c. 655, Pt. B,
30 §199 and affected by §422, is amended to read:

31 **1-A. License required.** A person may not charge others for the opportunity to hunt
32 mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in an area or
33 establish a commercial shooting area for such purposes unless that person has a valid
34 license issued under this section. Each day a person violates this subsection that person
35 commits a ~~Class E crime for which a minimum fine of \$50 and~~ civil violation for which a
36 fine in an amount equal to twice the applicable license fee ~~must~~ may be imposed.

37 A. Nothing in this subsection prohibits the operator of a commercial shooting area
38 from authorizing a person to hunt other wild birds or wild animals in the commercial
39 shooting area during the regular open season on those species, in accordance with this

1 Part, as long as the person possesses a valid state hunting license that allows the
2 hunting of those wild birds and wild animals.

3 **Sec. A-19. 12 MRSA §12508, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
4 and affected by c. 614, §9, is amended to read:

5 **1. License required.** A person who owns a private pond may not charge others for
6 the opportunity to fish in that private pond unless the owner of that pond possesses a valid
7 private fee pond license issued by the commissioner under this section.

8 Each day a person violates this subsection, that person commits a ~~Class E crime for which~~
9 ~~a minimum fine of \$50 and~~ civil violation for which a fine in an amount equal to twice
10 the applicable license fee ~~must~~ may be imposed.

11 **Sec. A-20. 12 MRSA §12551-A, sub-§5, ¶B**, as enacted by PL 2003, c. 655, Pt.
12 B, §259 and affected by §422, is amended to read:

13 B. The holder of a live bait retailer's license:

14 (1) May not take or possess for the purposes of retail sale live baitfish or smelts
15 from the inland waters of the State or private ponds;

16 (2) Shall present a receipted invoice, bill of lading, bill of sale or other
17 satisfactory evidence of the lawful possession of live baitfish or smelts for retail
18 sale to any agent of the commissioner upon request. A person who violates this
19 subparagraph commits a civil violation punishable by a fine of up to \$175; or

20 (3) May not possess at that person's place of business any species of fish that
21 may not legally be sold as bait.

22 ~~Each~~ Except as provided in subparagraph (2), each day a person violates this
23 paragraph that person commits a ~~class~~ Class E crime.

24 **Sec. A-21. 12 MRSA §12551-A, sub-§6, ¶B**, as enacted by PL 2003, c. 655, Pt.
25 B, §259 and affected by §422, is amended to read:

26 B. The holder of a baitfish wholesaler's license may not:

27 (1) When engaged in taking, or assisting in taking, live baitfish for resale from
28 inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the
29 commissioner upon request. A person who violates this subparagraph commits a
30 civil violation punishable by a fine of up to \$175;

31 (2) Take baitfish other than by use of a seine as defined in section 10001,
32 subsection 55; a baitfish trap as defined in section 10001, subsection 7; a dip net,
33 a drop net, a lift net or a bag net; or by hook and line;

34 (3) Attempt to take live bait for resale from the inland waters of the State by
35 fishing through the ice using drop nets unless the holder marks all holes made in
36 the ice by the holder for that purpose. The holes must be marked by suspending
37 at least one strand of fluorescent biodegradable tape at least 3 feet above the ice
38 around the entire perimeter of the hole so that the tape is visible from all sides;

39 (4) Take eels;

1 (5) Take or sell suckers, Genus Catostomus, greater than 10 inches in length
2 between April 1st and September 30th of each year; or

3 (6) Possess at that person's place of business any species of fish that may not
4 legally be sold as bait.

5 ~~Each~~ Except as provided in subparagraph (1), each day a person violates this
6 paragraph that person commits a ~~class~~ Class E crime.

7 **Sec. A-22. 12 MRSA §12551-A, sub-§7, ¶B**, as amended by PL 2005, c. 237,
8 §3, is further amended to read:

9 B. The holder of a smelt wholesale dealer's license may not:

10 (1) When engaged in taking, or assisting in taking, live smelts for resale from
11 inland waters, fail to exhibit the license to any agent of the commissioner upon
12 request. A person who violates this subparagraph commits a civil violation
13 punishable by a fine of up to \$175;

14 (2) Take multiple bag limits from waters governed by general rules regulating
15 the taking of smelts in order to attain the 8-quart limit of smelts described in
16 paragraph A, subparagraph (2);

17 (3) Use a seine to take smelts;

18 (4) Transport or possess at the holder's business facility more than the daily bag
19 limit of smelts at any time unless the smelts were acquired in accordance with
20 paragraph A, subparagraph (4). If the smelts were purchased from another
21 person, the license holder must present a receipted invoice, bill of lading or bill of
22 sale to any agent of the commissioner upon request;

23 (5) Transport from an inland water source to the licensee's place of business
24 more than 8 quarts of live smelts;

25 (6) Permit any person to transport live smelts on the license holder's behalf
26 directly from an inland water source;

27 (7) Attempt to take from the inland waters of the State live smelts for resale
28 using drop nets through the ice unless the license holder marks all holes made in
29 the ice by that license holder for that purpose. The holes must be marked either
30 by evergreen boughs placed around the hole or by suspending at least one strand
31 of fluorescent biodegradable tape at least 3 feet above the ice around the entire
32 perimeter of the hole so that the tape is visible from all sides;

33 (8) Take smelts unless the holder uses an operable commercially manufactured
34 number 14 fish grader to sort smelts by size during the taking of smelts. The
35 holder shall liberate immediately all undersized smelts alive into the waters from
36 which they were taken. For the purpose of this subparagraph, a commercially
37 manufactured number 14 grader is a grader having a minimum grate size of 14/64
38 inches and that allows smelts to pass through at least 2 sides and the bottom of
39 the grader. The commissioner may adopt rules to amend the grate size
40 restrictions under this subparagraph if the commissioner determines such rules
41 are necessary for conservation or enforcement purposes;

- 1 (9) Possess at that person's place of business any species of fish that may not
2 legally be sold as bait;
- 3 (10) Use particles of food or any other type of bait or lure except light to lure
4 smelts to a drop net or a lift net; or
- 5 (11) Use a dip net to take smelts unless that dip net meets the requirements under
6 section 10001, subsection 12-A.
- 7 ~~Each~~ Except as provided in subparagraph (1), each day a person violates this
8 paragraph that person commits a Class E crime.

9 **PART B**

10 **Sec. B-1. 29-A MRSA §351, sub-§1, ¶B**, as amended by PL 2001, c. 671, §3, is
11 further amended to read:

12 B. ~~A Class E crime~~ civil violation punishable by a fine of up to \$50 if the vehicle
13 was not registered or the registration has been expired for 150 days or more.

14 **Sec. B-2. 29-A MRSA §956, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2
15 and affected by Pt. B, §5, is amended to read:

16 **6. Penalty.** ~~Violation of this section~~ subsection 4 is a Class E crime. Violation of
17 subsection 1, 2 or 5 is a civil violation punishable by a fine of \$250.

18 **Sec. B-3. 29-A MRSA §1251, sub-§1**, as amended by PL 2013, c. 24, §1, is
19 further amended to read:

20 **1. Violation.** Except as provided in section 510, subsection 1, a person commits an
21 offense of operating a motor vehicle without a license if that person operates a motor
22 vehicle on a public way or parking area:

23 A. Without being licensed. Violation of this paragraph is a ~~Class E crime, which is a~~
24 ~~strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil
25 violation punishable by a fine of up to \$75;

26 B. In violation of a condition or restriction on the license. Violation of this
27 paragraph is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A,~~
28 ~~section 34, subsection 4-A~~ civil violation punishable by a fine of up to \$50;

29 C. Without a license issued by this State if a resident of this State for more than 30
30 days but fewer than 90 days. Violation of this paragraph is a traffic infraction;

31 D. Without a license issued by this State if a resident of this State for more than 90
32 days. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime~~
33 ~~as defined in Title 17-A, section 34, subsection 4-A~~ civil violation punishable by a
34 fine of up to \$75; or

35 E. Unless a permit is issued pursuant to subsection 7, with a license issued by this
36 State that expired within the previous 90 days. Violation of this paragraph is a traffic
37 infraction.

1 **Sec. B-4. 29-A MRSA §1251, sub-§1-A, ¶B**, as enacted by PL 1999, c. 771, Pt.
2 C, §9 and affected by Pt. D, §1 and 2, is amended to read:

3 B. A ~~Class E crime~~ civil violation punishable by a fine of up to \$75 if the person has
4 been a resident for at least 90 days.

5 **Sec. B-5. 29-A MRSA §1252, sub-§7**, as enacted by PL 1993, c. 683, Pt. A, §2
6 and affected by Pt. B, §5, is amended to read:

7 **7. Violation.** A person commits a ~~Class E crime~~ civil violation punishable by a fine
8 of up to \$150 if that person operates a vehicle not included within the class of license
9 issued to that person.

10 **Sec. B-6. 29-A MRSA §1603, sub-§9**, as enacted by PL 1993, c. 683, Pt. A, §2
11 and affected by Pt. B, §5, is amended to read:

12 **9. Return license, certificates and plates.** A person whose license or registration
13 has been suspended shall immediately return every license, registration certificate and
14 registration plate issued to that person to the Secretary of State. A person commits a
15 ~~Class E crime~~ civil violation punishable by a fine of up to \$50 if that person, after notice
16 of suspension, fails or refuses to return every license, registration certificate and
17 registration plate.

18 **Sec. B-7. 29-A MRSA §1605, sub-§6**, as amended by PL 2017, c. 165, §5, is
19 further amended to read:

20 **6. Operating without giving proof.** A person commits a ~~Class D crime~~ civil
21 violation punishable by a fine of \$50 if that person is required to maintain proof of
22 financial responsibility and, without authorization from the Secretary of State and without
23 that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be
24 operated by another on a public way.

25 **Sec. B-8. 29-A MRSA §1859**, as amended by PL 1995, c. 65, Pt. A, §104 and
26 affected by §153 and Pt. C, §15, is further amended to read:

27 **§1859. Removal of vehicle**

28 Removal of a vehicle described in section 1851 or of any part or accessory from the
29 vehicle without the written consent of the person in charge or the owner of the premises
30 or property where the vehicle is located is a ~~Class E crime~~ civil violation punishable by a
31 fine of \$75. This section applies to all persons, including the owner of the vehicle.

32 **Sec. B-9. 29-A MRSA §1860**, as enacted by PL 1995, c. 65, Pt. A, §105 and
33 affected by §153 and Pt. C, §15, is amended to read:

34 **§1860. Abandonment on an island**

35 A person may not abandon a motor vehicle on any property on an island without
36 consent of the owner of the property. The State, municipality or other political
37 subdivision having jurisdiction over the island may order the owner of a vehicle illegally

1 abandoned on an island to remove it at the vehicle owner's expense. If the owner of the
2 vehicle refuses to remove the motor vehicle, or if the owner is unknown, the State or
3 political subdivision may cause the vehicle to be removed from the island and may
4 require reimbursement from the owner for the removal and the administrative and legal
5 costs. Neither the State nor any political subdivision of the State is liable for any damage
6 to the motor vehicle that may be caused by the removal. Failure to remove an illegally
7 abandoned vehicle on an island within 30 days after written warning, or within 30 days of
8 ice-out if ice prevents the island from being reasonably accessible, is a ~~Class E crime~~ civil
9 violation punishable by a fine of \$50.

10 **Sec. B-10. 29-A MRSA §2102, sub-§1**, as amended by PL 2009, c. 493, §2, is
11 further amended to read:

12 **1. Display revoked, mutilated, fictitious or fraudulently altered driver's license**
13 **or identification card.** A person commits a ~~Class E crime~~ civil violation punishable by a
14 fine of \$150 if that person displays a revoked, mutilated, fictitious or fraudulently altered
15 driver's license or identification card issued or represented to be issued by this State or
16 any other state or province.

17 **Sec. B-11. 29-A MRSA §2102, sub-§1-A**, as amended by PL 2009, c. 493, §2, is
18 further amended to read:

19 **1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's**
20 **license or identification card.** A person commits a ~~Class E crime~~ civil violation
21 punishable by a fine of \$150 if that person possesses a revoked, mutilated, fictitious or
22 fraudulently altered driver's license or identification card issued or represented to be
23 issued by this State or any other state or province.

24 **Sec. B-12. 29-A MRSA §2104**, as amended by PL 2015, c. 176, §5, is further
25 amended to read:

26 **§2104. Improper plates**

27 **1. Attaching false plates.** A person commits a ~~Class E crime~~ civil violation
28 punishable by a fine of \$150 if that person attaches to a vehicle a registration plate
29 assigned to another vehicle or not currently assigned to that vehicle.

30 **1-A. Permitting attachment of false plates.** A person commits a ~~Class E crime~~
31 civil violation punishable by a fine of \$100 if that person permits to be attached to a
32 vehicle a registration plate assigned to another vehicle or not currently assigned to that
33 vehicle.

34 **1-B. Permitting display of false registration validation device.** A person commits
35 a Class E crime if that person permits to be attached or displayed on a vehicle registration
36 plate a registration validation device issued for another vehicle.

37 **2. False identification.** A person commits a ~~Class E crime~~ civil violation punishable
38 by a fine of \$50 if that person obscures identification numbers, identification letters, the

1 state name, validation sticker or mark distinguishing the type of plate attached to a
2 vehicle.

3 **3. Manufacturing or reproduction of plates.** A person commits a Class D crime if
4 that person manufactures or reproduces registration plates without the consent of the
5 Secretary of State.

6 **4. Alterations to registration plates.** Except when a greater penalty is applicable, a
7 person commits a traffic infraction if that person adds or attaches to a registration plate a
8 decal, symbol, slogan, mark, letter or number not authorized by law or by the Secretary of
9 State.

10 **5. Strict liability.** Violation of subsection ~~1, 2 or~~ 3 is a strict liability crime as
11 defined in Title 17-A, section 34, subsection 4-A.

12 **Sec. B-13. 29-A MRSA §2308, sub-§6,** as amended by PL 2019, c. 318, §4, is
13 further amended to read:

14 **6. Penalty.** A violation of subsection 2 is a Class E crime that is punishable by a
15 \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's
16 license for a 2nd offense occurring within 3 years of the first offense. A violation of
17 subsection 4 is a civil violation punishable by a fine of \$125.

18 **Sec. B-14. 29-A MRSA §2412-A, sub-§1-A,** as amended by PL 2009, c. 297,
19 §1, is further amended to read:

20 **1-A. Offense; penalty.** A person commits operating while license suspended or
21 revoked if that person:

22 A. Operates a motor vehicle on a public way or in a parking area when that person's
23 license has been suspended or revoked, and that person:

24 (1) Has received written notice of a suspension or revocation from the Secretary
25 of State or a court;

26 (2) Has been orally informed of the suspension or revocation by a law
27 enforcement officer or a court;

28 (3) Has actual knowledge of the suspension or revocation;

29 (4) Has been sent written notice in accordance with section 2482 or former Title
30 29, section 2241, subsection 4; or

31 (5) Has failed to answer or to appear in court pursuant to a notice or order
32 specified in section 2605 or 2608;

33 B. Violates paragraph A and the suspension was for OUI or an OUI offense;

34 C. Violates paragraph A and the suspension was for OUI or an OUI offense, the
35 person was subject to the mandatory minimum sentence and the person:

36 (1) Has one prior conviction for violating this section;

37 (2) Has 2 prior convictions for violating this section; or

1 (3) Has 3 or more prior convictions for violating this section; or
2 D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the
3 person has one or more prior convictions for violating this section.

4 Except for an offense under paragraph A, subsection 8 or as otherwise provided,
5 operating while license suspended or revoked is a Class E crime, which is a strict liability
6 crime as defined in Title 17-A, section 34, subsection 4-A. A violation of paragraph A is
7 a civil violation punishable by a fine of \$125.

8 **Sec. B-15. 29-A MRSA §2412-A, sub-§8**, as amended by PL 2009, c. 493, §3, is
9 further amended to read:

10 **8. Traffic infraction.** A person commits a traffic infraction operating while license
11 suspended as described in subsection 1-A, paragraph A if the person has not been
12 convicted or adjudicated of a 2 prior ~~offense~~ offenses under this section ~~and the sole basis~~
13 ~~for the suspension is:~~

- 14 ~~A. Failure to pay a fine;~~
15 ~~B. Failure to pay a license reinstatement fee; or~~
16 ~~C. Suspension for a dishonored check.~~

17 **Sec. B-16. 29-A MRSA §2417**, as enacted by PL 1993, c. 683, Pt. A, §2 and
18 affected by Pt. B, §5, is amended to read:

19 **§2417. Suspended registration**

20 A person commits a ~~Class E offense~~ civil violation punishable by a fine of \$125 if
21 that person operates or permits another to operate a vehicle when the registration of that
22 vehicle is suspended or revoked.

23 **SUMMARY**

24 In Part A, this bill:

25 1. Changes the definition of "habitual violator" in the inland fisheries and wildlife
26 laws by including a person whose convictions are for civil violations or a combination of
27 civil violations and criminal violations. Current law includes only criminal violations;
28 and

29 2. Reduces from Class E crimes to civil violations the following violations of the
30 inland fisheries and wildlife laws and sets the fines for the civil violations:

- 31 A. For resident and nonresident junior hunters, hunting without a license;
32 B. Practicing falconry without a permit;
33 C. Possessing wild animals or wild birds taken in violation of the law that prohibits
34 shooting while in or on a vehicle;

- 1 D. Hunting migratory game birds with a shotgun capable of holding more than 3
2 shells;
- 3 E. Leaving or allowing to remain duck decoys or a stationary blind or parts of an
4 artificial cover in Merrymeeting Bay at night;
- 5 F. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with
6 more than 6 dogs;
- 7 G. With regard to a person who is not a resident of the State, hunting bear with dogs
8 without a guide;
- 9 H. Training dogs on wild birds or wild animals, except in certain circumstances;
- 10 I. Training dogs when the person has a license that is suspended or revoked;
- 11 J. Holding field trials for beagles and other rabbit hounds except from September 1st
12 through the following April 10th;
- 13 K. Holding field trials for sporting dogs without a license;
- 14 L. Charging others for the opportunity to hunt mallard ducks, pheasants, quail,
15 Chukar partridge or Hungarian partridge or operating a commercial shooting area for
16 such birds without a license;
- 17 M. Charging another person for the opportunity to fish in a private pond without
18 holding a valid private fee pond license; and
- 19 N. Failing to present upon request to any agent of the Commissioner of Inland
20 Fisheries and Wildlife a receipted invoice, bill of lading, bill of sale, license or other
21 satisfactory evidence of lawful possession of live baitfish for retail or wholesale sale
22 or smelts for wholesale sale.

23 In Part B, the bill does the following:

- 24 1. Reduces from Class E crimes to civil violations the following violations of the
25 motor vehicle laws and sets the fines for the civil violations:
 - 26 A. Failure to register a vehicle or having registration that has been expired for 150
27 days or more;
 - 28 B. Failure by a motor vehicle dealer to maintain records of purchase or sale of
29 vehicles and failure to maintain records of all sales representatives and full-time
30 employees, vehicles and vehicle parts and make them available for inspection by
31 representatives of the Secretary of State, the Attorney General or law enforcement
32 officers;
 - 33 C. Operating a motor vehicle on a public way or parking area without being licensed
34 or in violation of a condition or restriction on the license;
 - 35 D. Failure to obtain a license after establishing residency for more than 90 days;
 - 36 E. With regard to Class A, B and C motor vehicle licenses, operating a vehicle not
37 included in the class of the person's license;

- 1 F. With regard to suspension of a license or registration, failure of the person to
2 surrender to the Secretary of State every license, registration certificate and
3 registration plate;
- 4 G. Operating a motor vehicle without proof of financial responsibility;
- 5 H. With regard to a motor vehicle that is abandoned, removal of the vehicle or any
6 part or accessory thereof without written consent;
- 7 I. With regard to a motor vehicle illegally abandoned on an island, failure to remove
8 the vehicle within the designated time frame;
- 9 J. Displaying or possessing a revoked, mutilated, fictitious or fraudulently altered
10 driver's license or identification card;
- 11 K. Attaching or permitting attachment to a motor vehicle a registration plate
12 assigned to another vehicle or not currently assigned to the vehicle;
- 13 L. Obscuring identification numbers or letters, the state name, the validation sticker
14 or a mark distinguishing the type of plate attached to the vehicle;
- 15 M. The use by a school bus operator of flashing lights on the bus other than for the
16 purpose of controlling traffic when stopping to receive or discharge school-age
17 persons; and
- 18 N. Operating or permitting another person to operate a motor vehicle when the
19 registration has been suspended or revoked; and
- 20 2. Designates as a traffic infraction operating a motor vehicle while the person's
21 driver's license is suspended if the person does not have 2 prior operating while license is
22 suspended or revoked offenses.