

MAINE STATE LEGISLATURE

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M. T. ...

May 9, 1975

William Cross, Business Manager

Baxter State Park

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SYLLABUS:

Prosecutions for violations committed in Baxter State Park are, by statute, authorized in the District Court in the division nearest to where the offense is alleged to have been committed, or in the District Court in adjoining divisions.

FACTS:

Mr. A commits a violation in Baxter State Park which is subject to prosecution. Baxter State Park is for the major part situated within Piscataquis County and a minor portion in Penobscot County. District Court is located in Dover-Foxcroft, Piscataquis County and another District Court is located in Millinocket, Penobscot County. The two Courts are in adjoining divisions with the Millinocket District Court nearest to Baxter State Park.

QUESTION:

May the persons committing the alleged violations in that portion of Baxter State Park which lies in Piscataquis County be prosecuted in the Millinocket District Court, Northern Penobscot Division?

ANSWER:

Yes, provided it is the division nearest to where the offense is alleged to have been committed.

REASON:

Chapter 211, Title 12 M.R.S.A. Section 903 et sequitur, Subchapter III, sets forth the authority governing the administration of Baxter State Park.

Section 905 grants the park authority power to exercise police supervision over Baxter State Park.

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Section 907 defines the Jurisdiction of the courts in all prosecutions under this subchapter as follows:

"The District Court shall have original and concurrent jurisdiction with the Superior Court in all prosecutions under any provisions of this subchapter. Any person, arrested as a violator of said subchapter, shall with reasonable diligence be taken before the District Court in the division nearest to where the offense is alleged to have been committed for a warrant and trial, and in such case jurisdiction is granted to the District Court in adjoining divisions to be exercised in the same manner as if the offense had been committed in that division."

The statutory language is clear and unambiguous.

EJS/jo