

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2290

H.P. 1654

House of Representatives, February 7, 1990

Submitted by the Department of Conservation pursuant to Joint Rule 24.
Reference to the Committee on Energy and Natural Resources suggested and
ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ANDERSON of Woodland.

Cosponsored by Senator LUDWIG of Aroostook, Senator KANY of Kennebec and
Representative JACQUES of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Aid in the Enforcement of Crimes Relating to Forest Fire
Control.



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

4 Sec. 1. 12 MRSA §9706, 3rd ¶, as enacted by PL 1979, c. 545,
§3, is repealed.

6 Sec. 2. 12 MRSA §9707 is enacted to read:

8 §9707. Acceptance of personal recognizance with deposit

10 A forest ranger may accept recognizances in accordance with
the following procedures:

12 1. Acceptance. A forest ranger making an arrest for any
14 crime defined in this chapter at a point more than 50 miles
distant from the nearest District Court may accept the personal
16 recognizance of the arrested person in an amount not to exceed
\$500 for the arrested person's appearance before the nearest
18 District Court on a specified date and a deposit in money to the
amount of that recognizance;

20 2. Report. The forest ranger shall report any personal
22 recognizance with deposit accepted and forward that deposit to
the District Court to which the recognizance is returnable; and

24 3. Forfeiture of deposit. If the person on bail fails to
26 appear in the court on the day specified, either in person or by
counsel, the court shall order the recognizance and money deposit
28 forfeited and may take any other action necessary. Forfeited
money collected by the court must be paid to the General Fund.

30 Sec. 3. 15 MRSA §1025, first ¶, as enacted by PL 1987, c. 758,
32 §20, is amended to read:

34 A law enforcement officer may, without fee, take the
personal recognizance of any defendant for appearance on a charge
36 of a Class D or Class E crime. If authorized, a law enforcement
officer may, without fee, take the personal recognizance with
38 deposit in accordance with Title 12, section 7053, subsection 2,
paragraph C and Title 12, section 9707.

40
42 STATEMENT OF FACT

44 Until the enactment of Public Law 1989, chapter 174, section
9, forest rangers were accorded the power after an arrest to
46 accept a personal recognizance with deposit for any criminal
violation defined in the Maine Revised Statutes, Title 12,
48 chapter 807. Game wardens still possess that power under Title
12, section 7053, subsection 2, paragraph C for crimes defined in
50 Title 12, chapters 701 to 721 and Title 38, chapter 3, subchapter

2 I, article I-A. The power was eliminated from Title 12, section
4 9706 because of possible perception of impropriety occasioned by
the acceptance of money from an arrested person by a law
enforcement officer. The personal recognizance bond is too
valuable an enforcement mechanism to eliminate.