

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2094

H.P. 1482

House of Representatives, January 7, 1992

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

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

EDWIN H. PERT, Clerk

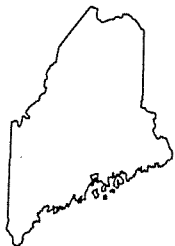
Presented by Representative MARSH of West Gardiner.

Cosponsored by Senator HOLLOWAY of Lincoln, Representative STEVENS of Bangor and Representative HANLEY of Paris.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Establish a Forest Service Bureau in Each Division of the
District Court.**



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

4 MRSA §164, sub-§18 is enacted to read:

18. Forest service bureau. Establish in each division a forest service bureau. The Chief Judge shall appoint the clerk of the District Court in each division as violations clerk for the forest service bureau.

The violations clerk shall accept written appearances, waivers of trial, pleas of guilty and payments of fines and costs in forest service offense cases, subject to the limitations prescribed in this subsection. The violations clerk serves under the direction and control of the judge of the court for which that clerk is appointed.

A. For purposes of this subsection, a forest service offense means any violation of Title 12, chapters 705, 715, 801, 805, 807 and 809 or any rules adopted by the Director of the Maine Forest Service pursuant to those chapters.

B. The Chief Judge shall by order, which may from time to time be amended, suspended or repealed, designate the forest service offenses within the authority of the violations clerk, except that the offenses may not include any offense for which a mandatory minimum term of imprisonment is provided by law. The court shall establish schedules, within the limits prescribed by law, of the amount of fines to be imposed for the offenses. The order of the court establishing the schedules must be prominently posted in the place where the fines are paid. Fines and costs must be paid to, receipted by and accounted for by the violations clerk in accordance with these provisions.

C. A person charged with a forest service offense within the authority of the violations clerk may file an appearance in person or by mail before the violations clerk. A person may enter a plea admitting the violation charged and a waiver of trial and pay the fine and costs established for the violation charged. A person entering a plea admitting the violation charged must be informed of the person's rights, including the right to stand trial, that the person's signature to a plea admitting the violation charged has the same effect as a judgment of the court and that the record of adjudication will be sent to the Director of the Maine Forest Service.

D. A person who, within a 12-month period, has been found guilty of, has signed a plea of guilty to, has been found to

2 have committed or has signed a plea admitting, or admitting
3 with an explanation, one or more previous forest service
4 offenses subject to this subsection may not appear before
5 the violations clerk unless the court, by order, permits
6 that appearance. Each waiver of hearing filed under this
7 subsection must recite on the oath or affirmation of the
8 offender whether the offender was previously found guilty of
9 or committed or previously signed a plea of guilty to or
10 signed a plea admitting, or admitting with an explanation,
11 one or more forest service offenses within a 12-month
12 period. A person swearing falsely to such a statement is
13 subject, upon conviction, to a fine of not more than \$50.

14 E. The Chief Judge, following notification to the Chief
15 Justice of the Supreme Court or the Chief Justice's
16 delegate, may authorize forms and procedures as the Chief
17 Judge considers appropriate to carry out this subsection.

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STATEMENT OF FACT

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23 This bill provides for the establishment of a forest service
24 bureau in each division of the District Court. Similar bureaus
25 are already in place for other natural resource agencies with law
26 enforcement authority. This bill allows the court to act for the
27 bureau to settle cases when the violator wishes to waive a court
28 appearance and plead guilty.