

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1479

S.P. 477

In Senate, March 11, 1997

**An Act to Decriminalize Various Fish and Game Violations and Enhance
Collectibility of Associated Penalties.**

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

2
4 **Sec. 1. 12 MRSA §7053, sub-§2, ¶A**, as enacted by PL 1979, c.
420, §1, is amended to read:

6 A. Arrest, summons and prosecute all violators of the
following:

8 (1) Chapters 701 to 721;

10 (2) All rules promulgated by the commissioner; and

12 (3) The United States Federal Migratory Bird Treaty
14 Act, Public Law, July 3, 1918, chapter 128, as amended,
16 and all rules and regulations promulgated in pursuance
thereof.

18 A game warden shall, without unnecessary delay, take any
20 person so arrested before the District Court nearest the
22 place of violation. If the violation occurs in Cumberland
County, the game warden shall take the person before any
District Court serving Cumberland County;

24 **Sec. 2. 12 MRSA §7053, sub-§2, ¶C**, as amended by PL 1987, c.
26 696, §3, is further amended to read:

28 C. Accept personal recognizances in accordance with the
following procedures:

30 (1) Any game warden making an arrest for any violation
32 of chapters 701 to 721 and Title 38, chapter 3,
34 subchapter I, Article I-A, ~~at a point more than 50
miles distant from the nearest District Court having
jurisdiction,~~ may accept the personal recognizance of
36 the prisoner in an amount not to exceed \$1,000 for his
38 the prisoner's appearance before the nearest District
Court on a specified date and a deposit in money or by
major credit card to the amount of that recognizance.
40 If the deposit is made by major credit card, the amount
may include a reasonable fee as established by rule to
cover administrative expenses incurred in connection
with the use of credit cards as a method of paying
deposits. Rules adopted pursuant to this paragraph are
routine technical rules for the purposes of Title 5,
chapter 375, subchapter II-A;

42 (2) The warden shall report ~~forthwith~~ immediately all
44 those recognizances and forward all those deposits and
credit card invoices to the court to which the
46 recognizance is returnable; and
48
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2 (3) Recognizances and deposits shall must be handled
4 by the court in accordance with section 7910;

6 **Sec. 3. 12 MRSA §7901, sub-§§17 to 24** are enacted to read:

8 **17. Violations of chapter 703.** The following violations of
chapter 703 are civil violations for which a forfeiture of not
10 less than \$100 and not more than \$500 may be adjudged:

12 A. Violation of rules adopted pursuant to section 7036,
subsection 1 concerning water-skiing; and

14 B. Defacement of notices as described in section 7036,
subsection 2.

16 **18. Violations of chapter 707.** The following violations of
18 chapter 707 are civil violations for which a forfeiture of not
less than \$100 and not more than \$500 may be adjudged:

20 A. Hunting migratory birds without a permit to do so as
22 described in section 7371, subsection 3.

24 **19. Violations of chapter 709.** The following violations of
chapter 709 are civil violations for which a forfeiture of not
26 less than \$100 and not more than \$500 may be adjudged:

28 A. Shooting at or near wildfowl decoys as described in
section 7406, subsection 11; and

30 B. Allowing a junior hunter to hunt without adult
32 supervision as described in section 7406, subsection 21.

34 **20. Violations of chapter 711.** The following violations of
chapter 711 are civil violations for which a forfeiture of not
36 less than \$100 and not more than \$500 may be adjudged:

38 A. Sale of bait or baitfish in polystyrene foam containers
as described in section 7606, subsection 1-A;

40 B. Failure to label baitfish traps or baitfish holding
42 boxes as described in section 7606, subsection 2;

44 C. Illegal use of hellgramites as described in section
7614; and

46 D. Failing to label an ice fishing shack as described in
48 section 7628.

2 21. Violations of chapter 715. The following violations of
3 chapter 715 are civil violations for which a forfeiture of not
4 less than \$100 and not more than \$500 may be adjudged:

6 A. Violation of rules adopted pursuant to section 7792,
7 subsection 2 concerning:

8 (1) Operation of watercraft without lights;

10 (2) Towing of water skier without an observer; and

12 (3) Violating the water ski safety zone;

14 B. Violation of rules adopted pursuant to section 7792,
15 subsection 3 concerning inadequate personal flotation
16 devices;

18 C. Operating a motorboat without a certificate number as
19 described in section 7801, subsection 1;

20 D. Illegal operation of watercraft on inland waters without
21 a holding tank or with a holding tank with through-hull
22 fittings as described in section 7801, subsection 2-A;

24 E. Leasing or renting a motorboat without a certificate
25 number as described in section 7801, subsection 6-A;

28 F. Operating a motorboat while underage as described in
29 section 7801, subsection 13;

30 G. Operating a motorboat without a muffler as described in
31 section 7801, subsection 15;

34 H. Operating a watercraft without proper safety equipment
35 as described in section 7801, subsection 16;

36 I. Operating an airmobile upon a public way as described in
37 section 7801, subsection 21;

40 J. Failing to stop an airmobile before entering a public
41 way as described in section 7801, subsection 22;

42 K. Failing to yield right-of-way while operating an
43 airmobile as described in section 7801, subsection 23;

44 L. Operating an airmobile that exceeds the noise limit as
45 described in section 7801, subsection 24;

46 M. Operating an airmobile on railroad tracks as described
47 in section 7801, subsection 25;
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2 N. Operating an airmobile too close to certain buildings as
described in section 7801, subsection 26;

4
6 O. Failure to display an excise tax decal as described in
section 7801, subsection 28;

8 P. Failure to comply with additional safety requirements
while operating a personal watercraft as described in
10 section 7801, subsection 30;

12 Q. Unlawfully permitting operation of a watercraft as
described in section 7801, subsection 31; and

14
16 R. Unlawfully operating a watercraft within the water
safety zone as described in section 7801, subsection 32 and
section 7802, subsection 1.

18
20 **22. Violations of chapter 715, subchapter II. The following**
violations of chapter 715, subchapter II are civil violations for
which a forfeiture of not less than \$100 and not more than \$500
22 may be adjudged:

24 A. Operating an unregistered snowmobile as described in
section 7827, subsection 1;

26
28 B. Operating a snowmobile upon a controlled access highway
as described in section 7827, subsection 2;

30 C. Unlawfully operating a snowmobile on a plowed road as
described in section 7827, subsection 3;

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34 D. Operating a snowmobile on a public way as described in
section 7827, subsection 4;

36 E. Unlawfully operating a vehicle on a snowmobile trail as
described in section 7827, subsection 4-A;

38
40 F. Failing to stop a snowmobile before entering a public
way as described in section 7827, subsection 5;

42 G. Failure to yield the right-of-way while operating a
snowmobile as described in section 7827, subsection 6;

44
46 H. Crossing a closed bridge, culvert, overpass or underpass
with a snowmobile as described in section 7827, subsection 7;

48 I. Unlawfully operating a snowmobile while underage as
described in section 7827, subsection 12;

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- 2 J. Permitting an unaccompanied child to operate a
3 snowmobile as described in section 7827, subsection 13;
- 4 K. Operating a snowmobile that exceeds the noise limit as
5 described in section 7827, subsection 14;
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- 7 L. Unlawfully modifying a snowmobile as described in
8 section 7827, subsection 15;
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- 10 M. Operating a snowmobile with insufficient lights as
11 described in section 7827, subsection 16;
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- 13 N. Failure to use snowmobile lights as described in section
14 7827, subsection 17;
- 15
- 16 O. Unlawfully operating a snowmobile on railroad tracks as
17 described in section 7827, subsection 18;
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- 19 P. Operating a snowmobile in a cemetery as described in
20 section 7827, subsection 19;
- 21
- 22 Q. Operating a snowmobile too close to certain buildings as
23 described in section 7827, subsection 20; and
- 24
- 25 R. Unlawfully permitting operation of a snowmobile as
26 described in section 7827, subsection 21.

28 **23. Violations of chapter 715, subchapter IV.** The following
29 violations of chapter 715, subchapter IV are civil violations for
30 which a forfeiture of not less than \$100 and not more than \$500
31 may be adjudged:

- 32
- 33 A. Operating an unregistered ATV as described in section
34 7857, subsection 1;
- 35
- 36 B. Failure to display ATV registration numbers as described
37 in section 7857, subsection 1-A;
- 38
- 39 C. Operating an ATV upon a controlled access highway as
40 described in section 7857, subsection 2;
- 41
- 42 D. Unlawfully operating an ATV on a snowmobile trail as
43 described in section 7857, subsection 3;
- 44
- 45 E. Unlawfully operating an ATV on a private road as
46 described in section 7857, subsection 4;
- 47
- 48 F. Operating an ATV on a public way as described in section
49 7857, subsection 5;
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- 2 G. Failing to stop an ATV before entering a public way as
described in section 7857, subsection 6;
- 4 H. Failing to yield the right-of-way while operating an ATV
as described in section 7857, subsection 7;
- 6 I. Crossing a closed bridge, culvert, overpass or underpass
8 with an ATV as described in section 7857, subsection 8;
- 10 J. Unlawfully operating an ATV while underage as described
12 in section 7857, subsection 13;
- 14 K. Operating an ATV without a certificate of training as
16 described in section 7857, subsection 13-A;
- 18 L. Operating an ATV without protective headgear as
20 described in section 7857, subsection 13-B;
- 22 M. Carrying a passenger on an ATV without headgear as
24 described in section 7857, subsection 13-C;
- 26 N. Permitting an unaccompanied child to operate an ATV as
28 described in section 7857, subsection 14;
- 30 O. Permitting a child under 10 years of age to operate an
32 ATV as described in section 7857, subsection 14-A;
- 34 P. Operating an ATV without a muffler as described in
36 section 7857, subsection 15;
- 38 Q. Operating an ATV with insufficient lights as described
40 in section 7857, subsection 16;
- 42 R. Failure to use ATV lights as described in section 7857,
44 subsection 17;
- 46 S. Unlawfully operating an ATV on railroad tracks as
48 described in section 7857, subsection 18;
- 50 T. Operating an ATV too close to certain buildings as
described in section 7857, subsection 20;
- U. Unlawfully permitting operation of an ATV as described
in section 7857, subsection 21;
- V. Operating an ATV in a prohibited area as described in
section 7857, subsection 22-A; and
- W. Operating an ATV on crop land or pastureland as
described in section 7857, subsection 23.

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24. Violations of chapter 717. The following violations of chapter 717 are civil violations for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged:

A. Hunting on a licensed dog training area as described in section 7863, subsection 2;

B. Misuse of a licensed dog training area as described in section 7863, subsection 3; and

C. Illegal use of a firearm during training or field trials as described in section 7863, subsection 4.

SUMMARY

This bill is one of 5 bills designed to enhance enforcement of fish and game laws, marine resources laws and motor vehicle laws by making enforcement easier and reducing the number of contested cases. Several crimes are redefined as civil violations to allow efficient processing by the courts. Violators have the right to contest the matter in court.

This bill revises the responsibilities of game wardens by allowing them to take cash or credit card payments for bail in any location when an arrest is made. Game wardens making arrests in Cumberland County may take the defendant to any District Court serving Cumberland County, rather than being limited to the closest court.