

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1820

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H.P. 1266

House of Representatives, March 11, 1999

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### An Act to Decriminalize Certain Fish and Wildlife Statutes.

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative DUNLAP of Old Town.  
Cosponsored by Senator KILKELLY of Lincoln and  
Representative THOMPSON of Naples, 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~~ adopted by the commissioner;  
12              and

14              (3) The United States Federal Migratory Bird Treaty  
16              Act, Public Law, July 3, 1918, chapter 128, as amended,  
and all rules and regulations ~~promulgated~~ adopted 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~~  
36              ~~miles--distant--from--the--nearest--District--Court--having~~  
38              ~~jurisdiction,~~ may accept the personal recognizance of  
40              the prisoner in an amount not to exceed \$1,000 for his  
42              the prisoner's appearance before the nearest District  
44              Court on a specified date and a deposit in money or by  
46              major credit card to the amount of that recognizance.  
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 as defined in Title 5, chapter  
375, subchapter II-A;

48              (2) The warden shall report ~~forthwith~~ immediately all  
50              those recognizances and forward all those deposits and  
credit card invoices to the court to which the  
52              recognizance is returnable; and

2 (3) Recognizances and deposits shall ~~must~~ be handled  
by the court in accordance with section 7910;

4 **Sec. 3. 12 MRSA §7901, sub-§§19 to 26** are enacted to read:

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

10 A. Violation, while water-skiing, of rules adopted under  
section 7036, subsection 1; and

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

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

20 A. Hunting migratory birds without having a valid permit to  
do so.

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

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

30 B. Allowing duck decoys to remain in waters of Merrymeeting  
Bay as described in section 7406, subsection 17, paragraph  
32 H; and

34 C. Allowing a junior hunter to hunt without adult  
supervision as described in section 7406, subsection 21.

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

40 A. Sale of bait or baitfish in polystyrene foam containers  
42 as described in section 7606, subsection 1-A:

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

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

50 23. Violations of chapter 715. The following violations of  
chapter 715 are civil violations for which a forfeiture of not  
52 less than \$100 and not more than \$500 may be adjudged:

- 2           A. Violation of rules adopted pursuant to section 7792,  
3           subsection 2 concerning:
- 4
- 5                   (1) Operation of watercraft without lights;
- 6
- 7                   (2) Towing of water-skier without an observer; and
- 8
- 9                   (3) Violating the water-skiing safety zone;
- 10
- 11           B. Violation of rules adopted pursuant to section 7792,  
12           subsection 3 concerning inadequate personal flotation  
13           devices;
- 14
- 15           C. Operating a motorboat without a certificate number as  
16           described in section 7801, subsection 1;
- 17
- 18           D. Illegal operation of watercraft on inland waters without  
19           a holding tank or with a holding tank with through-hull  
20           fittings as described in section 7801, subsection 2-A;
- 21
- 22           E. Leasing or renting a motorboat without a certificate  
23           number as described in section 7801, subsection 6-A;
- 24
- 25           F. Operating a motorboat while underage as described in  
26           section 7801, subsection 13;
- 27
- 28           G. Operating a motorboat without a muffler as described in  
29           section 7801, subsection 15;
- 30
- 31           H. Operating a watercraft without proper safety equipment  
32           as described in section 7801, subsection 16;
- 33
- 34           I. Operating an airmobile upon a public way as described in  
35           section 7801, subsection 21;
- 36
- 37           J. Failing to stop an airmobile before entering a public  
38           way as described in section 7801, subsection 22;
- 39
- 40           K. Failing to yield right-of-way while operating an  
41           airmobile as described in section 7801, subsection 23;
- 42
- 43           L. Operating an airmobile that exceeds the noise limit as  
44           described in section 7801, subsection 24;
- 45
- 46           M. Operating an airmobile on railroad tracks as described  
47           in section 7801, subsection 25;
- 48
- 49           N. Operating an airmobile too close to certain buildings as  
50           described in section 7801, subsection 26;

- 2           O. Failure to display an excise tax decal as described in  
           section 7801, subsection 28;
- 4           P. Failure to comply with additional safety requirements  
           while operating a personal watercraft as described in  
           section 7801, subsection 30; and
- 6
- 8           Q. Unlawfully permitting operation of a watercraft as  
           described in section 7801, subsection 31.
- 10
- 12           24. 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  
           may be adjudged:
- 14
- 16           A. Operating an unregistered snowmobile as described in  
           section 7827, subsection 1;
- 18
- 20           B. Operating a snowmobile upon a controlled access highway  
           as described in section 7827, subsection 2;
- 22
- 24           C. Unlawfully operating a snowmobile on a plowed road as  
           described in section 7827, subsection 3;
- 26
- 28           D. Operating a snowmobile on a public way as described in  
           section 7827, subsection 4;
- 30
- 32           E. Unlawfully operating a vehicle on a snowmobile trail as  
           described in section 7827, subsection 4-A;
- 34
- 36           F. Failing to stop a snowmobile before entering a public  
           way as described in section 7827, subsection 5;
- 38
- 40           G. Failure to yield the right-of-way while operating a  
           snowmobile as described in section 7827, subsection 6;
- 42
- 44           H. Crossing a closed bridge, culvert, overpass or underpass  
           with a snowmobile as described in section 7827, subsection 7;
- 46
- 48           I. Unlawfully operating a snowmobile while underage as  
           described in section 7827, subsection 12;
- 50           J. Permitting an unaccompanied child to operate a  
           snowmobile as described in section 7827, subsection 13;
- K. Operating a snowmobile that exceeds the noise limit as  
           described in section 7827, subsection 14;
- L. Unlawfully modifying a snowmobile as described in  
           section 7827, subsection 15;

2 M. Operating a snowmobile with insufficient lights as  
described in section 7827, subsection 16;

4 N. Failure to use snowmobile lights as described in section  
7827, subsection 17;

6 O. Unlawfully operating a snowmobile on railroad tracks as  
8 described in section 7827, subsection 18;

10 P. Operating a snowmobile in a cemetery as described in  
12 section 7827, subsection 19;

14 Q. Operating a snowmobile too close to certain buildings as  
described in section 7827, subsection 20; and

16 R. Unlawfully permitting operation of a snowmobile as  
18 described in section 7827, subsection 21.

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

24 A. Operating an unregistered ATV as described in section  
26 7857, subsection 1;

28 B. Failure to display ATV registration numbers as described  
in section 7857, subsection 1-A;

30 C. Operating an ATV upon a controlled access highway as  
32 described in section 7857, subsection 2;

34 D. Unlawfully operating an ATV on a snowmobile trail as  
described in section 7857, subsection 3;

36 E. Unlawfully operating an ATV on a private road as  
38 described in section 7857, subsection 4;

40 F. Operating an ATV on a public way as described in section  
7857, subsection 5;

42 G. Failing to stop an ATV before entering a public way as  
44 described in section 7857, subsection 6;

46 H. Failing to yield the right-of-way while operating an ATV  
as described in section 7857, subsection 7;

48 I. Crossing a closed bridge, culvert, overpass or underpass  
50 with an ATV as described in section 7857, subsection 8;

52 J. Carrying a passenger on an ATV without headgear as  
described in section 7857, subsection 13-C;

2 K. Permitting a child under 10 years of age to operate an  
3 ATV as described in section 7857, subsection 14-A;

4  
5 L. Unlawfully operating an ATV on railroad tracks as  
6 described in section 7857, subsection 18; and

7  
8 M. Operating an ATV in a prohibited area as described in  
9 section 7857, subsection 22-A.

10  
11 26. Violations of chapter 717. The following violations of  
12 chapter 717 are civil violations for which a forfeiture of not  
13 less than \$100 and not more than \$500 may be adjudged:

14  
15 A. Hunting on a licensed dog training area as described in  
16 section 7863, subsection 2;

17  
18 B. Misuse of a licensed dog training area as described in  
19 section 7863, subsection 3; and

20  
21 C. Illegal use of a firearm during training or field trials  
22 as described in section 7863, subsection 4.

24

26

## SUMMARY

28 This bill enhances enforcement of fish and game laws, marine  
29 resources laws and motor vehicle laws by making enforcement  
30 easier and reducing the number of contested cases. Several  
31 crimes are redefined as civil violations to allow efficient  
32 processing by the courts. Violators have the right to contest  
33 the matter in court.

34

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