

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1455

H.P. 1086

House of Representatives, March 5, 2001

**An Act to Implement the Recommendations of the Committee to Study
Further Decriminalization of the Criminal Laws of Maine.**

Reported by Representative LaVERDIERE for the Committee to Study Further
Decriminalization of the Criminal Laws of Maine pursuant to 1999 Joint Order, H.P. 1914.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered
under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

PART A

Sec. A-1. 14 MRSA Pt. 6-A is enacted to read:

PART 6-A

CIVIL VIOLATION PROCEEDINGS

CHAPTER 621

GENERAL PROVISIONS

§5601. Statute of limitations

1. Three-year period of limitation. A prosecution for a civil violation must be commenced within 3 years after the civil violation is committed. It is a defense that prosecution of a civil violation was commenced after the expiration of the applicable 3-year period of limitation.

2. Limitations on period of limitation. The period of limitation may not run:

A. During any time when the accused is absent from the State, but in no event may this provision extend the period of limitation otherwise applicable by more than 5 years;

B. During any time when a prosecution against the accused for the same civil violation based on the same conduct is pending in this State; or

C. During any time when a prosecution against the accused for the corresponding juvenile crime based on the same conduct is pending in the Juvenile Court.

3. Definitions. For purposes of this section:

A. A civil violation is committed when every element of the civil violation has occurred or, if the civil violation consists of a continuing course of conduct, at the time when the course of conduct or the defendant's complicity in the course of conduct is terminated;

B. A prosecution is commenced whenever a complaint is filed; and

C. "Pending" includes any appeal period and, if an appeal is taken, any period pending its final disposition.

2 **§5602. Restitution**

4 The court may order a person adjudicated as having committed
6 a civil violation to pay restitution as part of the judgment.
8 Title 17-A, chapter 54 applies to the determination, ordering,
 payment and enforcement of an order of restitution.

10 **§5603. License suspension**

12 **1. Grounds for suspension.** A department or agency of the
14 State may suspend a license, permit or certificate issued by that
16 department or agency if the person holding the license, permit or
 certificate is convicted or adjudicated of violating a law or
 rule administered by that department or agency.

18 **2. Effective date of suspension.** For violations having a
20 minimum statutory suspension period, a suspension is effective
22 upon conviction or adjudication and the license, permit or
24 certificate holder must surrender the license, permit or
26 certificate immediately to the issuing department or agency of
 the State. For a violation that does not have a minimum
 statutory suspension period, a suspension is effective upon
 written notification of suspension by the department or agency.
 The license holder must surrender that license, permit or
 certificate to the department or agency upon receipt of a notice
 of suspension and is entitled to a hearing under subsection 3.

28 **3. Hearing.** A person receiving a notice of suspension
30 under subsection 2 may request a hearing on that suspension. A
32 request for a hearing must be in writing and must be made not
34 later than 30 days after receipt of the suspension notice
 required under subsection 2. The department or agency of the
 State that issued the suspension notice shall notify the person
 of the date and location of the hearing.

36 **A.** A person may present evidence at a hearing concerning
38 the violation that might justify reinstatement of the
40 license, permit or certificate or the reduction of the
42 suspension period. If the petitioner denies any of the
 facts contained in the record, the petitioner has the burden
 of proof.

44 **B.** Decisions of the department or agency must be in
46 writing. Except as provided in paragraph C, the department
48 or agency may reinstate the license, permit or certificate
 or reduce the suspension period if the department or agency
 finds that the person has not been convicted or adjudicated,
 or that reinstatement of the license, permit or certificate
50 or reduction of the suspension period would be in the best
 interests of justice.

C. The department or agency may not waive or reduce any mandatory minimum suspension period established in statute.

4. Supplement. The authority conferred by this section is in addition to the authority a department or agency of the State has under other provisions of law.

Sec. A-2. 30-A MRSA §282, sub-§3-A is enacted to read:

3-A. Civil violations. Unless otherwise provided by law, the district attorney shall prosecute all civil violations in any county within the district attorney's prosecutorial district and shall be present at the trial of any such case.

PART B

Sec. B-1. 5 MRSA §12004-G, sub-§3-A, as enacted by PL 1989, c. 503, Pt. A, §12, is amended to read:

3-A.	Pull Events	Expenses	7 MRSA
Agriculture	Commission	Only	\$75 \$75-A

Sec. B-2. 7 MRSA §16, as repealed and replaced by PL 1977, c. 696, §54, is repealed and the following enacted in its place:

\$16. Penalties

Unless a specific penalty has otherwise been provided, a person, firm, partnership or corporation that violates a provision of this Title or a rule adopted pursuant to this Title commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-3. 7 MRSA §75, as amended by PL 1999, c. 73, §§1 to 4, is repealed.

Sec. B-4. 7 MRSA §75-A is enacted to read:

\$75-A. Pulling events between animals; application

1. Permits. A person, firm, corporation or unincorporated society or association may not conduct a public or private pulling event between animals or pairs of animals within the State without a permit from the commissioner.

2. Application. A person shall make an application for a permit in writing to the commissioner at least 10 days prior to the date on which a pulling event is intended to take place and

shall give the name of the person, firm, corporation or unincorporated society or association holding the event and the date and place the event is to be held. One application and one permit may include one or more separate events when specified. Permits granted under this section are not transferable.

3. Fees. The commissioner shall charge a permit fee of \$10 per pull day, up to a maximum of \$50 for pulls held on consecutive days at the same location. All revenue derived from the permit fees must be deposited in the General Fund.

4. Statutory rules. A permit may not be issued unless the sponsor has adopted the following rules governing the conduct of each contest.

A. All teamsters who are to compete in contests shall have their teams ready at the published starting time. All classes must be closed after the positions are drawn. Classes must start as nearly as possible to the published time.

B. Check weighing must be allowed prior to the official weigh-in. All weighing must be done in the forenoon if possible. Teams must have on halters. Horses and ponies must have on shoes.

C. Measuring must be in a straight line to the nearest point on the drag. Line-to-line measuring is allowed. The front of the drag must touch the line before turning. To get the full-line measure, the drag must be turned more than 1/2 way or the back of the drag must be over the line.

D. Teams must stay hooked to the drag at all times. Unhitching and rehitching are not allowed.

E. An actual separation, breaking or bending of equipment constitutes a breakdown. A team breaking down may take the distance pulled or return to the last position and pull over. Only one breakdown is allowed.

F. Time limits are a maximum of 5 minutes. Time starts when the drag is moved. The time limit to hook on in distance pulls is 3 minutes.

G. On horses, the very light use of the reins on the hindquarters only is allowed and over and under is not allowed. Whips, brads or goads are not allowed. Reins may not be doubled up. Electrical or electronic devices are not allowed. Open bridles are not allowed. Ponies may not be struck except in a sweepstakes when they may be struck with a cap or bare open hand.

2 On oxen, the use of the goad must be very light. The goad
3 may not have a brad in it, only a plain yoke and chain or
4 pole that may be pulled, except that a rope may be allowed
5 in children's classes as provided in rules adopted pursuant
6 to subsection 8. All chains must be covered to the hook.
7 Plastic goads are not allowed. The goad stick may not be
8 over 4 feet long unless approved by the pull superintendent
9 and may not exceed 1/2 inch in diameter on the small end.
10 The goad stick may be taped with friction tape but not
11 weighted. The stick may be used lightly on the face to
12 control the oxen but not around the eyes.

13

14 H. Any number of helpers is allowed to help hitch. After
15 hitch-on, there may be no more than 2 helpers. The helpers
16 shall stay behind the drag unless needed to help the
17 teamster. The helpers may not have a stick. This
18 paragraph applies to distance pulls only.

19

20 I. All participants must be properly dressed. Proper
21 language must be used at all times. Any participant under
22 the influence of liquor must be disqualified from the
23 contest. Tests may be made to determine intoxication. The
24 drinking of intoxicating beverages by participants in and
25 around the ring is prohibited.

26

27 J. The fair association or other sponsor decides the
28 splitting of teams.

29

30 K. Heading of horses or oxen is not allowed. One inch
31 pulled constitutes a hitch. Stepping over the rail counts
32 as a hitch and 5 minutes are allowed for hitching. Three
33 attempts may be made within that period. Time taken out to
34 position the drag for the next pull may not be counted.
35 Teamsters may not be changed after the first load is
36 pulled. A team deliberately driven over the rail is
37 disqualified from the contest. In case of a tie on the
38 longest distance, the 2nd-longest distances already pulled
39 will take first place. Persons acting as eveners shall
40 remain quiet after hitching on. This paragraph does not
41 apply to distance pulls.

42

43 L. There may not be heading of horses after a pull starts
44 unless there is a mix-up, snarl or breakdown.

45

46 M. A substantial barrier must be maintained at the end of
47 the ring toward which the pull is proceeding to prevent or
48 substantially impede runaways. A teamster losing control of
49 the team is disqualified immediately.

50

2 N. There is 100 pounds tolerance on draft steers and oxen
3 on and after Labor Day weekend.

4 O. An animal that is thin, dehydrated, shows open sores or
5 is lame is disqualified.

6 P. Before a team is allowed to pull, the owner shall
7 provide a certificate of liability insurance in the amount
8 of \$300,000.

9 5. Pull superintendent. Each sponsor of a pulling event
10 shall appoint a pull superintendent who is certified by the
11 commissioner under this section. The name of the superintendent
12 must be submitted in conjunction with the application for a
13 permit to conduct each event. Only those listed on the
14 application as superintendent or assistant superintendent may
15 officiate. A superintendent may not officiate as superintendent
16 for a class in a pull event in which that superintendent is
17 participating as a competitor. An assistant superintendent may
18 not officiate as superintendent for a class in a pull event in
19 which that assistant superintendent is participating as a
20 competitor. The Pull Events Commission established pursuant to
21 subsection 6 shall adopt rules for the qualifications required to
22 be a pull superintendent or assistant pull superintendent. Rules
23 must be adopted in accordance with Title 5, chapter 375.

24 6. Pull Events Commission. The Pull Events Commission is
25 established pursuant to this subsection.

26 A. The Pull Events Commission, as authorized by Title 5,
27 section 12004-G, subsection 3-A, is established to develop
28 rules for the certification of pull superintendents and for
29 actions to be taken in the event of violation of pull laws
30 and rules.

31 B. The Pull Events Commission consists of 11 members:

32 (1) Two members appointed by a statewide association
33 representing owners of draft horses and oxen who
34 participate in pulling events, one member appointed by
35 an association representing owners of oxen who
36 participate in pulling events and one member appointed
37 by an association representing owners of ponies who
38 participate in pulling events;

39 (2) An agricultural fair coordinator from the
40 department;

41 (3) One Fair Superintendent appointed by the Maine
42 Association of Agricultural Fairs;

2 (4) Two representatives appointed by state humane
3 organizations;
4
5 (5) The commissioner or a designated representative;
6
7 (6) One member, appointed by the commissioner,
8 representing the general public; and
9
10 (7) One member, appointed by the commissioner,
11 representing the animal pulling industry.
12
13 C. The Pull Events Commission shall elect one of its
14 members as chair. The chair serves a 2-year term and may
15 not serve as chair for consecutive terms. The commission
16 shall meet a minimum of twice annually.
17
18 D. With the exception of the commissioner and the fair
19 coordinator, appointments must be for terms of 2 years. The
20 appointing authority fills a vacancy for a full 2-year
21 term. The appointing authority may remove a commission
22 member for cause, which includes poor attendance. The chair
23 shall make recommendations to the appointing authority
24 concerning a removal.
25
26 E. Commission members may receive expenses but not per diem.
27
28 F. The commission shall:
29
30 (1) Develop qualifications for the certifying of pull
31 superintendents and guidelines for dealing with
32 violations of this section;
33
34 (2) Periodically review the rules for pulls as
35 contained in subsection 4 and recommend to the
36 Legislature such changes as necessary;
37
38 (3) Hold hearings as required on its rule-making
39 activities and on individual violations. These
40 hearings must be held in accordance with Title 5,
41 chapter 375;
42
43 (4) Give advice and recommendations to the
44 commissioner on request or as the commission considers
45 necessary; and
46
47 (5) Coordinate, develop and conduct pulling
48 superintendent training seminars.

2 **7. Enforcement.** The superintendent shall enforce the laws
4 and rules governing pull events and shall report participants who
6 are disqualified, violations of the law and other matters, as
8 appropriate, to the Pull Events Commission. The commission shall
10 send a copy of any such report to the sponsor whose name appears
12 on the application for the pulling event and to the person whose
14 conduct has been reported to the commission.

16 Humane agents shall promptly report to the pull superintendent
18 any pulling event actions that violate this chapter, any of the
20 animal welfare laws in this Title or any rule enacted by the
22 department. If the superintendent fails or refuses to take
24 corrective action, the humane agent shall take action to enforce
26 the animal welfare laws and make a written report to the
28 commission concerning all violations.

30 **8. Rules.** In accordance with Title 5, chapter 375, and
32 with the advice of the Pull Events Commission, the commissioner
34 may adopt rules necessary to carry out the purposes of this
36 chapter.

38 **9. Civil violations.** A person, firm, corporation or
40 unincorporated association or society that conducts or causes to
42 be conducted a public or private pulling event between animals or
44 pairs of animals within the State without a permit from the
46 commissioner commits a civil violation for which a forfeiture of
48 not less than \$100 nor more than \$500 may be adjudged.

50 A person, firm, corporation or unincorporated association or
52 society that within the previous 5 years has been convicted of a
54 violation of Title 17, section 1031 or has been adjudicated to
56 have committed a civil violation of section 4011, and that
58 participates as an animal owner or handler or in any other
60 capacity, directly or indirectly, in a pulling event required to
62 have a permit pursuant to this section commits a civil violation
64 for which a forfeiture of not less than \$100 nor more than \$500
66 may be adjudged.

68 **10. Permit revocation.** A person, firm, corporation or
70 unincorporated association or society required to obtain a permit
72 under this section to conduct a pulling event may not allow,
74 after having received notice from the Department of Agriculture,
76 Food and Rural Resources, a person, firm, corporation or
78 unincorporated association or society that has been convicted
80 within 5 years of violation of Title 17, section 1031, or that
82 has been adjudicated within 5 years to have committed a civil
84 violation of section 4011 to participate as an owner or handler
86 or in any other capacity, directly or indirectly, in a pulling
88 event. A violation of this provision is grounds, upon compliance
90 with appropriate provisions of Title 5, chapter 375, for
92 revocation or nonrenewal of a permit issued under this section.

2 **Sec. B-5. 7 MRSA §512**, as amended by PL 1977, c. 696, §60, is
further amended to read:

4 **§512. Penalties**

6 ~~Any A person violating any of the provisions who violates a~~
8 ~~provision~~ of this subchapter ~~is guilty of a Class E crime commits~~
10 ~~a civil violation for which a forfeiture of not less than \$100~~
12 ~~nor more than \$500 may be adjudged.~~ No A person shall be is not
14 subject to the penalties provided in this section if such the
16 person establishes a written guarantee or undertaking in which is
18 furnished the name and address of the manufacturer or
20 distributor, and the statement that he the person received such
the products in good faith in reliance upon the manufacturer or
distributor to the effect that such products were manufactured
and labeled in compliance with this subchapter or with such
Federal Acts which federal law that may relate to the regulations
of the distribution of hazardous substances covered by this
subchapter.

22 **Sec. B-6. 7 MRSA §643**, as repealed and replaced by PL 1977,
c. 696, §69, is amended to read:

24 **§643. Violations**

26 ~~Any A person, firm or corporation who that~~ violates any
28 ~~provision of sections 640 to 642 shall be guilty of a Class E~~
30 ~~crime, and the commissioner is expressly empowered to enforce~~
32 ~~these sections and to be vigilant in discovering violations~~
thereof, ~~and making complaint to the proper authorities commits a~~
34 ~~civil violation for which a forfeiture of not less than \$100 nor~~
more than \$500 may be adjudged.

36 **Sec. B-7. 7 MRSA §722**, as amended by PL 1979, c. 731, §19, is
further amended to read:

38 **§722. Penalties**

40 ~~Any person, violating any of the provisions~~ A person who
42 ~~violates a provision~~ of this subchapter or who shall impede,
44 ~~hinder or otherwise prevent, or attempt to prevent,~~ impedes,
46 ~~hinders or otherwise prevents~~ the commissioner, or his the
48 ~~commissioner's~~ duly authorized agent, in the performance of his
50 ~~the commissioner's~~ duty in connection with this subchapter,
commits a civil violation for which a forfeiture of not less than
\$100 nor more than \$200 shall may be adjudged for the first
violation and for which a forfeiture of not less than \$200 nor
more than \$500 shall may be adjudged for each subsequent
violation.

2 Nothing in this subchapter shall may be construed as
3 requiring the commissioner, or ~~his---representative,~~ the
4 commissioner's agent to cause suit to be brought or institute
5 seizure proceedings or issue a withdrawal from distribution
6 order, as a result of minor violations of this subchapter, or
7 when ~~he~~ the commissioner believes that the public interest will
8 best be served by suitable notice of warning in writing.

10 ~~It shall be the duty of these~~ The authorities to whom any a
11 violation is reported to shall cause appropriate proceedings to
12 be instituted in a court of competent jurisdiction without delay.
13 Before the commissioner reports a violation for suit to be
14 brought, the distributor must have an opportunity ~~shall be given~~
15 ~~the distributor~~ to present his the distributor's view to the
16 commissioner.

18 The commissioner is authorized to apply for and the court to
19 grant a temporary or permanent injunction restraining any a
20 person from violating or continuing to violate any of the
21 provisions of this subchapter or any rule or regulation
22 promulgated under this subchapter notwithstanding the existence
23 of other remedies at law. This injunction ~~shall~~ must be issued
24 without bond.

26 Any A person adversely affected by an act, order or ruling
27 made pursuant to this subchapter may within 45 days thereafter
28 bring action in the Superior Court in the county where of the
29 enforcement ~~official--has--his~~ official's office for judicial
30 review of such the actions. The form of the proceeding ~~shall must~~
31 be any ~~which~~ that may be provided by statutes of this State to
32 review decisions of administrative agencies, or in the absence or
33 inadequacy thereof, any applicable form of legal action,
34 including actions for declaratory judgments or writs of
35 prohibitory or mandatory injunctions.

36 Any A person who uses to ~~his~~ that person's own advantage, or
37 reveals to other than the commissioner or officers of the Maine
38 Department of Agriculture, Food and Rural Resources, or to the
39 courts when relevant in any judicial proceeding, any information
40 acquired under the authority of this subchapter, concerning any
41 method, records, formulations or processes ~~which that~~ as --a
42 trade secret--is secrets are entitled to protection,--is guilty of
43 a Class E crime commits a civil violation for which a forfeiture
44 of not less than \$100 nor more than \$500 may be adjudged. This
45 prohibition ~~shall~~ may not be deemed as prohibiting the
46 commissioner or ~~his~~ the commissioner's duly authorized agent from
47 exchanging information of a regulatory nature with duly appointed
48 officials of the United States Government, or of other states,
49 who are similarly prohibited by law from revealing this
50 information.

2 **Sec. B-8. 7 MRSA §1006-A** is enacted to read:

4 **§1006-A. Penalties**

6 A person who violates a provision of sections 991 to 994 or
8 a provision of a marketing order duly issued by the commissioner
10 commits a civil violation for which a forfeiture of not less than
 \$100 nor more than \$500 may be adjudged. Each day during which a
 violation continues constitutes a separate offense.

12 **Sec. B-9. 10 MRSA §3331**, as repealed and replaced by PL 1977,
14 c. 1, §3, is repealed and the following enacted in its place:

16 **§3331. Violations and penalty**

18 **1. Violation.** A processor may not remove any farm product
20 that is delivered to the processor or any processed form of the
22 farm product upon which any of the liens that are provided for in
24 this chapter are attached from this State or beyond the
26 processor's ownership or control, except any farm product or
28 processed form of the product as may be in excess of a quantity
30 that is on hand of a value that is sufficient to satisfy all
32 existing liens, provided, that neither this section and the
 penalties provided in this section or any other provision of this
 chapter may affect, impede or restrict the rights and remedies of
 a lienor or holder of a security interest having priority under
 section 3325 to enforce its liens or security interests against
 the inventory of a processor and the proceeds and products of the
 processor and the lienor or security interest holder or any
 person cooperating or acting in accordance with the request of
 the lienor or security interest holder may not be in violation of
 this section.

34 **2. Penalty.** A person who violates a provision of this
36 chapter commits a civil violation for which a forfeiture of not
38 less than \$100 nor more than \$500 may be adjudged.

40 **Sec. B-10. 12 MRSA §6072-C, sub-§1**, as enacted by PL 1999, c.
567, §2, is amended to read:

42 **1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may
44 not engage in the activities authorized under this section
46 without a current limited-purpose aquaculture license or a lease
 issued under this Part authorizing the activities.

48 **Sec. B-11. 12 MRSA §6072-C, sub-§7**, as enacted by PL 1999, c.
567, §2, is amended to read:

2 **7. Prohibition; molesting gear.** ~~It is unlawful for a~~ A
person other than a marine patrol officer, the licensed owner of
the gear or the licensed owner's assistant, with written
4 permission from the licensed owner, ~~to may not~~ utilize, raise,
lift, transfer, possess or in any manner molest any approved
6 aquaculture gear that is deployed under a current limited-purpose
aquaculture license.

8
A. ~~If a person violates this subsection by cutting any lines~~
10 ~~or marker buoys or intentionally damaging approved~~
~~aquaculture gear, the court shall, upon finding a violation~~
12 ~~of this subsection:~~

14 (1) ~~Order that person to pay to the owner of the~~
approved aquaculture gear that was cut or damaged an
16 amount equal to twice the replacement value of the gear
that was damaged or lost as a result of the cutting or
18 damaging action; and

20 (2) ~~Direct that person to provide the commissioner,~~
upon making full payment as ordered by the court, proof
22 of that payment.

24 B. ~~A penalty imposed under this subsection is in addition to~~
any penalty imposed under section 6204.

26
28 **Sec. B-12. 12 MRSA §6072-C, sub-§9** is enacted to read:

30 **9. Violation; restitution.** A person who violates this
section commits a civil violation for which a forfeiture of not
32 less than \$100 nor more than \$500 may be adjudged. If a person
violates subsection 7 by cutting any lines or marker buoys or
intentionally damaging approved aquaculture gear, the court shall
34 also:

36 A. Order that person to pay to the owner of the approved
aquaculture gear that was cut or damaged an amount equal to
38 twice the replacement value of the gear that was damaged or
lost as a result of the cutting or damaging action; and

40 B. Direct that person to provide the commissioner, upon
42 making full payment as ordered by the court, proof of that
payment.

44
46 **Sec. B-13. 12 MRSA §6112**, as amended by PL 1991, c. 378, is
further amended to read:

48 **§6112. Labeling of food products containing surimi**

2 A food product may not be sold in this State consisting of
or containing surimi unless the packaging containing the food
4 product is clearly and conspicuously labeled or, if there is no
packaging, unless a sign is conspicuously displayed, indicating
6 that the product is "imitation lobster," "imitation crab,"
"imitation" followed by the name of the seafood imitated,
8 "processed seafood," "surimi," "lobster-processed seafood salad,"
"crab-processed seafood salad" or other terms as approved by the
Department of Marine Resources through rules adopted in
10 accordance with Title 5, chapter 375, subchapter II. Any term
approved by that department is sufficient to notify the public
12 that the product contains surimi. A person who violates this
section commits a civil violation for which a forfeiture of not
14 less than \$100 nor more than \$500 may be adjudged.

16 **Sec. B-14. 12 MRSA §6113**, as repealed and replaced by PL
1985, c. 622, §4, is amended to read:

18 **§6113. Serving food containing surimi**

20 ~~Ne-feed~~ Food containing surimi or a surimi product may not
22 be served in any eating establishment in the State whether for
consumption on or off the premises, unless on the menu and all
24 notices advertising the food it is clearly and conspicuously
labeled as "imitation lobster," "imitation crab," "imitation"
26 followed by the name of the seafood imitated, "processed
seafood," "surimi," "lobster-processed seafood salad,"
28 "crab-processed seafood salad" or other terms as approved by the
Department of Marine Resources through rules adopted in
30 accordance with Title 5, chapter 375, subchapter II. Any term
approved by that department ~~shall-be~~ is sufficient to notify the
32 public that the product contains surimi. A person who violates
this section commits a civil violation for which a forfeiture of
34 not less than \$100 nor more than \$500 may be adjudged.

36 **Sec. B-15. 12 MRSA §6351**, as amended by PL 1995, c. 218, §1,
is repealed and the following enacted in its place:

38 **§6351. Suspension based on criminal conviction or civil**
40 **adjudication**

42 **1. Grounds for suspension.** Any of the following is grounds
44 for suspension of a license or certificate issued under this Part:

46 A. A conviction for a violation of a marine resources law;

48 B. A conviction for a violation of Title 17-A, chapter 31;

50 C. A conviction for a criminal offense against a marine
patrol officer while that officer is engaged in the
performance of official duty; or

2 D. A civil adjudication of having violated a marine
3 resources law.

4 **2. Suspension procedure.** In order to suspend a license or
5 certificate because of a conviction or adjudication, the
6 commissioner shall follow the procedures of this article.

7 **Sec. B-16. 12 MRSA §6401**, as amended by PL 1985, c. 43, is
8 further amended to read:

9 **§6401. Suspension based on criminal conviction or civil**
10 **adjudication**

11 **1. Violation of marine resources laws.** The commissioner may
12 suspend any and all licenses or certificates issued under this
13 Part if a person is convicted or adjudicated in court of
14 violating any section of the marine ~~resources~~ resources laws.

15 **2. Length of suspension.** The suspension of a license or
16 certificate may not exceed the following:

17 A. One year from the date of the first conviction or
18 adjudication;

19 B. Two years from the date of the 2nd conviction or
20 adjudication; and

21 C. Three years from the date of the 3rd or subsequent
22 conviction or adjudication.

23 **3. Applicable standards.** Any conviction or adjudication
24 occurring more than 7 years before the last conviction ~~shall~~ may
25 not be counted in determining lengths of suspension.

26 **Sec. B-17. 12 MRSA §6402**, as amended by PL 1993, c. 543, §1,
27 is further amended to read:

28 **§6402. Suspension based on adjudication of molesting**

29 The commissioner shall suspend the lobster and crab fishing
30 license of a license holder ~~convicted~~ adjudicated in court of
31 violating section 6434. This suspension is for 3 years from the
32 date of ~~conviction~~ adjudication.

33 **1. Adjudications for cutting lobster trap lines.** A person
34 ~~convicted~~ adjudicated under section 6434 of molesting lobster
35 gear by cutting a lobster trap line shall, upon making full
36 payment as ordered by the court under section 6434, subsection
37 4- 5, paragraph A, provide the commissioner with proof of that

2 payment. If the commissioner does not receive that proof within
3 3 years after the date of ~~conviction~~ adjudication, the
4 commissioner shall continue that license suspension until such
time as that proof is received.

6 **Sec. B-18. 12 MRSA §6402-A**, as amended by PL 1987, c. 1, §1,
is further amended to read:

8
10 **§6402-A. Suspension based on adjudication of dragging in cable
area**

12 For any a person ~~convicted~~ adjudicated in court of violating
14 section 6954 or 6954-A, the commissioner shall suspend the
license authorizing the activity in which the person was engaged
16 at the time of the violation. The suspension ~~shall be~~ is for one
year from the date of the ~~conviction~~ adjudication. If the person
18 was ordered by the court to pay restitution as provided in
section 6954 or 6954-A, the commissioner shall continue the
20 license suspension longer than one year until the person has made
payment in full and provides the commissioner with proof of that
payment.

22
24 **Sec. B-19. 12 MRSA §6404-A**, as enacted by PL 1995, c. 536,
Pt. A, §5, is amended to read:

26 **§6404-A. Suspension based on adjudication of molesting elver gear**

28 The commissioner shall suspend the elver fishing license of
any license holder ~~convicted~~ adjudicated in court of violating
30 section 6575-D. This suspension must be for one year from the
date of ~~conviction~~ adjudication.

32
34 **Sec. B-20. 12 MRSA §6421, sub-§1**, as amended by PL 1995, c.
568, §1, is further amended to read:

36 **1. License required.** ~~It is unlawful for any~~ A person ~~to~~
38 ~~may not~~ engage in the activities authorized by ~~this license~~ under
this section without a current Class I, Class II, Class III,
40 apprentice, student or noncommercial lobster and crab fishing
license or other license issued under this Part authorizing the
activities.

42
44 **Sec. B-21. 12 MRSA §6421, sub-§5**, as amended by PL 1999, c.
658, §1 and c. 790, Pt. B, §1, is further amended to read:

46 **5. Eligibility.** A Class I, Class II, Class III,
48 apprentice, noncommercial or student lobster and crab fishing
license may only be issued to an individual ~~and who~~ is a resident
50 ~~license~~. A Class I, Class II or Class III license may be issued
to a person only if the person:

- 2 A. Possessed a Class I, Class II or Class III lobster and
3 crab fishing license in the previous calendar year;
- 4
- 6 C. Meets the requirements of the apprentice program under
7 section 6422 or section 6475;
- 8
- 10 D. Did not possess a Class I, Class II or Class III lobster
11 and crab fishing license in the previous calendar year
12 because the commissioner had suspended the person's license
13 privileges for a length of time that included the previous
14 calendar year; or
- 16
- 18 H. Has held a student lobster and crab fishing license in 3
19 consecutive years and:
- 20 (1) Is 18 years of age or older; or
- 21 (2) Is a high school graduate.

22 This paragraph is repealed December 31, 2001.

23 **Sec. B-22. 12 MRSA §6421, sub-§9** is enacted to read:

24

25 **9. Violation.** A person who violates this section commits a
26 civil violation for which a forfeiture of not less than \$100 nor
27 more than \$500 may be adjudged.

28

29 **Sec. B-23. 12 MRSA §6431-A, sub-§4** is enacted to read:

30

31 **4. Violation.** A person who violates this section commits a
32 civil violation for which a forfeiture of not less than \$100 nor
33 more than \$500 may be adjudged.

34

35 **Sec. B-24. 12 MRSA §6434**, as amended by PL 1993, c. 543, §2,
36 is further amended to read:

37 **§6434. Molesting lobster gear**

38

39 No A person may not raise, lift, transfer, possess or in any
40 manner molest any lobster trap, warp, buoy or car except as
41 provided in this section.

42

43 **1. Permitted activities.** Lobster traps, warps, buoys and
44 cars may be raised, lifted, transferred, possessed or otherwise
45 molested by ~~the following~~:

- 46
- 47 A. A marine patrol officer;
- 48
- 49 B. The licensed owner;
- 50

2 C. Any person having written permission from the licensed
owner; and

4 D. Any person authorized by rule pursuant to subsection 2.

6

8 **2. Adoption of rules required.** The commissioner shall
premulgate adopt rules, no later than January 1, 1990,
10 authorizing the removal of traps, warps, buoys or cars that are
washed up above the mean low tide mark or are otherwise abandoned
or lost.

12

14 **3. Prohibition.** Traps A person other than the licensed
owner may not use for fishing traps, warps, buoys or cars may not
16 be used for fishing by any person other than the licensed owner
unless except with written permission from the licensed owner.

18 **4. --Additional penalty.** ~~If the holder of a lobster and crab~~
~~fishing license violates this section by cutting a lobster trap~~
20 ~~line, the court shall:~~

22 A. ~~Order that person to pay to the owner of the trap line~~
~~that was cut an amount equal to twice the replacement value~~
24 ~~of all traps lost as a result of that cutting; and~~

26 B. ~~Direct that person to provide proof of payment of that~~
~~restitution to the Commissioner of Marine Resources as~~
28 ~~required by section 6402, subsection 1.~~

30 A ~~penalty imposed under this subsection is in addition to any~~
~~penalty imposed under section 6204.~~

32

34 **5. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
36 more than \$500 may be adjudged. If the holder of a lobster and
crab fishing license violates this section by cutting a lobster
trap line, the court shall also:

38

40 A. Order that person to pay to the owner of the trap line
that was cut an amount equal to twice the replacement value
42 of all traps lost as a result of that cutting; and

44 B. Direct that person to provide proof of payment of that
restitution to the commissioner as required by section 6402,
46 subsection 1.

48 **Sec. B-25. 12 MRSA §6474, sub-§1,** as enacted by PL 1997, c.
574, §4, is amended to read:

1. **Prohibition.** ~~It is unlawful for a~~ A person ~~to~~ may not submerge a lobster trap in the Monhegan Lobster Conservation Area unless a lobster trap tag designated for use in the Monhegan Lobster Conservation Area is affixed to the trap. The commissioner shall charge fees and deposit those fees for Monhegan Lobster Conservation Area trap tags in accordance with section 6431-B.

Sec. B-26. 12 MRSA §6474, sub-§8 is enacted to read:

8. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-27. 12 MRSA §6501, as amended by PL 1999, c. 491, §4, is further amended to read:

§6501. Commercial fishing license

1. **License required.** ~~It shall be unlawful for any~~ A person ~~to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current commercial fishing license or other license under this Part authorizing the activities.

2. **Licensed activity.** The holder of a commercial fishing license may fish for or take fish or possess, ship, transport or sell fish ~~which he~~ that the holder has taken. The license shall ~~also authorize~~ authorizes crew members aboard the licensee's boat when it is engaged in commercial fishing to undertake these activities, if the license provides for crew members.

3. **Exemptions.** ~~The following shall be exempted from this~~ licensing requirement under subsection 1 does not apply to activities described in this subsection.

A. Any A person may fish for, take, possess or transport any species of fish if they have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.

B. Any A person may fish for, take, possess or transport halibut if they have been taken by tub trawl and are only for personal use.

C. Any A person may fish for, take, possess, ship, transport, or sell smelts if they have been taken by hook and line through the ice.

4. **Eligibility.** A commercial fishing license ~~shall only~~ may be issued only to an individual.

2 **5. Fees.** Fees for commercial fishing licenses are:
4 A. Thirty-three dollars for resident operator;
6 B. Eighty-nine dollars for resident operator and all crew
8 members; and
10 C. Three hundred thirty-four dollars for nonresident
operator and all crew members.

12 **6. Definition.** For the purposes of this chapter, "fish"
14 means all marine finfish and squid or other marine animals,
except lobsters, crabs, sea urchins, shellfish, scallops, marine
worms, elvers, eels or shrimp.

16 **8. Violation.** A person who violates this section commits a
18 civil violation for which a forfeiture of not less than \$100 nor
20 more than \$500 may be adjudged.

22 **Sec. B-28. 12 MRSA §6502**, as amended by PL 1991, c. 591, Pt.
T, §3, is further amended to read:

24 **§6502. Nonresident special tuna permit**

26 A nonresident individual may fish for, take, possess, ship,
28 transport or sell tuna ~~which he~~ that the individual has taken,
without a ~~commercial~~ commercial fishing license, if he ~~the~~
30 individual has a current special tuna permit.

32 **1. Eligibility.** A special tuna permit may be issued to a
nonresident individual who is a registered participant in a tuna
34 tournament ~~which that~~ is sponsored and operated by a nonprofit
association or corporation that has existed for at least one year
prior to the tournament. ~~No An individual shall may not~~ be
36 issued more than one permit in any one calendar year.

38 **2. Authorized activity.** A special tuna permittee may fish
for, take for sale and sell only one tuna in any one calendar
40 year. The permit ~~shall--be~~ is valid for the length of the
tournament plus one day or for 7 days from the date of issue,
42 whichever is shorter.

44 **3. Fee.** The permit fee is \$84, which may be credited
against the license fee for a commercial fishing license, if it
46 is issued to the permittee within 30 days of the issuing of the
permit.

48 **4. Violation.** A person who violates this section commits a
50 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

2 **Sec. B-29. 12 MRSA §6505-A, sub-§1**, as enacted by PL 1995, c.
336, Pt. A, §8, is amended to read:

4 **1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may
6 not fish for or take elvers or possess, ship, transport or sell
7 elvers that the person has taken unless the person is issued an
8 elver fishing license under this section.

10 **Sec. B-30. 12 MRSA §6505-A, sub-§6**, as enacted by PL 1999, c.
11 7, §5, is amended to read:

12 **6. Minimum age.** ~~It is unlawful for a~~ A person who is under
14 15 years of age ~~to~~ may not fish for or take elvers.

16 **Sec. B-31. 12 MRSA §6505-A, sub-§8** is enacted to read:

18 **8. Violation.** A person who violates this section commits a
19 civil violation for which a forfeiture of not less than \$100 nor
20 more than \$500 may be adjudged.

22 **Sec. B-32. 12 MRSA §6505-B**, as amended by PL 1999, c. 7, §6,
23 is further amended to read:

24 **§6505-B. Elver gear fees**

26 **1. Elver fyke net and Sheldon eel trap fee.** ~~It is unlawful~~
28 ~~for a~~ A person ~~to~~ may not submerge an elver fyke net or a Sheldon
29 eel trap in the waters of the State to fish for or take elvers
30 unless the net or trap owner pays annually the following fees:

32 A. Fifty dollars per net or trap for the use of ~~a~~ an
33 elver fyke net or Sheldon eel trap, except that the fee
34 under this paragraph does not apply to an elver fyke net or
35 Sheldon eel trap a person utilizes pursuant to section
36 6505-A, subsection 5.

38 **2. Tags for elver fyke net and Sheldon eel trap.** ~~It is~~
39 ~~unlawful for a~~ A person ~~to~~ may not submerge an elver fyke net or
40 Sheldon eel trap in the coastal waters of the State to fish for
41 or take elvers unless a tag issued by the department is affixed
42 to the shoreside wing of the net or trap and is clearly visible.
43 The department may issue a replacement tag when an owner issued a
44 tag documents that a net or trap has been damaged or lost.

46 **3. Dip net fee.** ~~It is unlawful for a~~ A person ~~to~~ may not
47 utilize a dip net to fish for or take elvers without paying a fee
48 of \$50 per dip net annually.

50 This subsection does not apply to a dip net a person utilizes
pursuant to section 6505-A, subsection 5.

2 **4. Payment with license.** The fees required under
subsections 1 and 3 must be paid upon application for an elver
4 fishing license under section 6505-A.

6 **5. Disposition of fees.** All fees collected under this
section accrue to the Eel and Elver Management Fund established
8 in section 6505-D.

10 **6. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
12 more than \$500 may be adjudged.

14 **Sec. B-33. 12 MRSA §6505-C,** as enacted by PL 1995, c. 536,
Pt. A, §8, is amended to read:

16 **§6505-C. Eel harvesting license**

18 **1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may
20 ~~not~~ fish for or take eels in the coastal waters of the State or
possess, ship, transport or sell eels that the person has taken
22 in the coastal waters of the State without an eel harvesting
license.

24 **2. Exemptions.** A person may fish for or take for personal
26 use an eel in the coastal waters of the State by speargun,
harpoon, trap or hook and line and may possess or transport that
28 eel.

30 **3. Eligibility.** An eel harvesting license may ~~only~~ be
issued only to an individual.

32 **4. Fees.** The fee for an eel harvesting license is \$100.

34 **5. Disposition of fees.** All fees collected under this
36 section accrue to the Eel and Elver Management Fund established
in section 6505-D, except that \$33 must accrue to the General
38 Fund for each license sold under this section.

40 **6. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
42 more than \$500 may be adjudged.

44 **Sec. B-34. 12 MRSA §6535,** as amended by PL 1997, c. 158, §§3
to 5, is further amended to read:

46 **§6535. Sea urchin and scallop diving tender license**

48 **1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may
50 ~~not~~ operate a boat as a platform for the harvesting of sea

2 urchins and scallops by hand, to act as a diving tender on a boat
engaged as a platform for the harvesting of sea urchins and
4 scallops by hand or to possess, ship, transport or sell scallops
or sea urchins unless that person is licensed under this section,
section 6701 or section 6748.

6
8 **2. Licensed activity.** A person licensed under this section
may tend divers who harvest sea urchins and scallops by hand and
operate a boat as a platform for the harvesting of sea urchins
10 and scallops by hand and may possess, ship, transport and sell
sea urchins and scallops harvested by licensed harvesters the
12 tender has tended. A sea urchin and scallop diving tender
license does not authorize the holder to harvest sea urchins and
14 scallops.

16 **2-A. Thirty-day temporary license.** A person may be issued
a 30-day temporary sea urchin and scallop diving tender license.
18 A person may be issued a license only one time under this
subsection. A license issued under this subsection may not be
20 renewed.

22 **3. Eligibility.** A sea urchin and scallop diving tender
license and a 30-day temporary sea urchin and scallop diving
24 tender license may be issued only to an individual and-are who is
a resident licenses.

26
28 **4. Fee.** Fees for licenses issued under this section are as
follows:

30 A. For a sea urchin and scallop diving tender license, \$89;
and

32 B. For a 30-day temporary sea urchin and scallop diving
34 tender license, \$25.

36 **5. Prima facie evidence.** The failure of at least one
person on board the boat operated as a platform during periods of
38 diving to harvest scallops or sea urchins to have a license
issued under section 6701 or 6748 is prima facie evidence of a
40 violation of this section.

42 **6. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
44 more than \$500 may be adjudged.

46 **Sec. B-35. 12 MRSA §6536,** as amended by PL 1997, c. 19, §7,
is further amended to read:

48 **§6536. Scallop diving tender license**
50

1. **License required.** ~~It is unlawful for a~~ A person ~~to~~ may not operate a boat as a platform for the harvesting of scallops by hand, ~~to~~ act as a diving tender on a boat engaged as a platform for the harvesting of scallops by hand or ~~to~~ possess, ship, transport or sell scallops unless that person is licensed under this section, section 6535, section 6701 or section 6748.

2. **Licensed activity.** A person licensed under this section may tend divers who harvest scallops by hand and operate a boat as a platform for the harvesting of scallops by hand and may possess, ship, transport and sell scallops harvested by licensed harvesters the tender has tended. A scallop diving tender license does not authorize the holder to harvest scallops.

3. **Eligibility.** A scallop diving tender license may be issued only to an individual and who is a resident licensee.

4. **Fee.** The fee for a scallop diving tender license is \$89.

5. **Prima facie evidence.** The failure of at least one person on board the boat operated as a platform during periods of diving to harvest scallops to have a license issued under section 6701 is prima facie evidence of a violation of this section.

6. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-36. 12 MRSA §6575-D, sub-§2, as enacted by PL 1995, c. 536, Pt. A, §9, is repealed and the following enacted in its place:

2. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-37. 12 MRSA §6601, sub-§1, as enacted by PL 1977, c. 661, §5, is amended to read:

1. **License required.** ~~It shall be unlawful for any~~ A person ~~to~~ may not engage in the activities authorized by ~~this license~~ under this section without a current shellfish license or other license issued under this Part authorizing the activities.

Sec. B-38. 12 MRSA §6601, sub-§2, as amended by PL 1989, c. 348, §5, is further amended to read:

2. **Licensed activities.** The holder of a shellfish license may fish for or take shellfish or possess, ship or transport within the state limits or sell shellstock the holder has taken.

2 The holder may also shuck, in the holder's home, shellfish the
holder has taken and sell those shucked shellfish from that home
4 in the retail trade. This license shall does not authorize the
holder to fish for or take shellfish in violation of a municipal
ordinance adopted pursuant to section 6671.

6
8 **Sec. B-39. 12 MRSA §6601, sub-§3**, as enacted by PL 1977, c.
661, §5, is amended to read:

10 **3. Eligibility.** A shellfish license ~~shall-only~~ may be
issued only to an individual and ~~shall-be~~ who is a resident
12 license.

14 **Sec. B-40. 12 MRSA §6601, sub-§7**, as enacted by PL 1993, c.
281, §1, is repealed.

16 **Sec. B-41. 12 MRSA §6601, sub-§8** is enacted to read:

18 **8. Violation.** A person who violates this section commits a
20 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

22 **Sec. B-42. 12 MRSA §6701**, as amended by PL 1991, c. 591, Pt.
24 T, §5, is further amended to read:

26 **§6701. Scallop license**

28 **1. License required.** ~~It-is-unlawful-for-any~~ A person ~~to~~
may not engage in the activities authorized ~~by-this-license~~ under
30 this section without a current hand fishing scallop license or
other license issued under this Part authorizing the activities.

32 **2. Licensed activity.** The holder of a hand fishing scallop
34 license may take scallops by hand or possess, ship, transport or
sell scallops ~~he~~ the holder has taken.

36 **3. Eligibility.** A scallop license ~~shall-only~~ may be issued
38 only to an individual and ~~shall-be~~ who is a resident license.

40 **4. Exception.** In any one day, ~~any~~ a person licensed
pursuant to section 6703 may take or possess not more than 2
42 bushels of shell scallops or 4 quarts of shucked scallops for
personal use without a scallop license under this section.

44 **5. Fee.** The fee for a scallop license is \$89.

46 **6. Violation.** A person who violates this section commits a
48 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

2 **Sec. B-43. 12 MRSA §6702**, as amended by PL 1997, c. 572, §2,
is further amended to read:

4 **§6702. Scallop boat license**

6 **1. License required.** ~~It is unlawful for any~~ A person ~~to~~
may not use a boat for dragging for scallops unless that boat
8 carries a scallop boat license issued by the commissioner.

10 **2. Licensed activity.** A boat licensed under this section
may be used for dragging for scallops and to possess, ship, sell
12 or transport scallops taken under the license. The license also
authorizes the captain and crew members aboard the licensed boat
14 when engaged in dragging for scallops to undertake these
activities.

16 **3. Eligibility.** A scallop boat license ~~shall only~~ may be
18 issued only to an individual ~~and shall be~~ who is a resident
license.

20 **4. Exception.** In any one day, ~~any~~ a person licensed
22 pursuant to section 6703 may take or possess not more than 2
bushels of shell scallops or 4 quarts of shucked scallops for
24 personal use without a scallop license under this section.

26 **5. Fee.** The fee for a scallop boat license is \$89.

28 **6. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
30 more than \$500 may be adjudged.

32 **Sec. B-44. 12 MRSA §6731**, as amended by PL 1991, c. 591, Pt.
T, §9, is further amended to read:

34 **§6731. Mahogany quahogs**

36 **1. License required.** Except as provided in subsection 3,
38 ~~it is unlawful for any~~ a person ~~to~~ may not engage in the
activities authorized under this section without a current
40 mahogany quahog license.

42 **2. Licensed activities.** The holder of a mahogany quahog
license may:

44 A. Fish for or take mahogany quahogs in any harvesting area
46 indicated on the license;

48 B. Possess, ship or transport mahogany quahogs within the
State; or

50 C. Sell mahogany quahogs that the holder has taken.

2 The license authorizes crew members aboard the licensee's boat to
undertake these activities when engaged in dragging for mahogany
4 quahogs if the licensee is present.

6 **3. Personal use exception.** Any A person may take or
possess no more than 3 bushels of mahogany quahogs for personal
8 use in one day without a license.

10 **4. Fee.** The fee for a mahogany quahog license is \$89.
Fees collected pursuant to this section must be deposited in the
12 General Fund.

14 **5. Conditions.** Each licensee may participate in the
monitoring program established in section 6731-A within the
16 harvest area indicated on the license. The holder of a mahogany
quahog license shall comply with all other conditions of
18 licensing established by the commissioner.

20 **6. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
22 more than \$500 may be adjudged.

24 **Sec. B-45. 12 MRSA §6732**, as enacted by PL 1981, c. 297, §4,
is amended to read:

26

§6732. Other quahogs

28

1. License required. ~~It is unlawful for any~~ A person ~~to~~
30 may not engage in the activities authorized under this section
without a current shellfish license or other license issued under
32 this Part authorizing the activities.

34 **2. Licensed activities.** The holder of a shellfish license
may fish for or take quahogs, other than mahogany quahogs, or
36 possess, ship or transport within the state limits or sell
quahogs ~~he~~ the holder has taken.

38

3. Violation. A person who violates this section commits a
40 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

42

Sec. B-46. 12 MRSA §6745, as amended by PL 1991, c. 591, Pt.
44 T, §10, is further amended to read:

46 **§6745. Hand-raking mussel license**

48 **1. License required.** ~~It is unlawful for any~~ A person ~~to~~
may not engage in the activities authorized under this section
50 without a current mussel license or other license issued under
this Part authorizing the activities.

2 **2. Licensed activity.** The holder of a hand-raking mussel
license may take mussels by hand raking or possess, ship,
4 transport or sell mussels he the holder has taken.

6 **3. Eligibility.** A hand-raking mussel license ~~shall-only~~
may be issued only to an individual ~~and--shall-be~~ who is a
8 resident license.

10 **4. Exception.** In any one day, ~~any~~ a person may take or
possess not more than 2 bushels of shell mussels for personal use
12 without a mussel license.

14 **5. Fee.** The fee for a hand-raking mussel license is \$63.

16 **6. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
18 more than \$500 may be adjudged.

20 **Sec. B-47. 12 MRSA §6746**, as amended by PL 1991, c. 591, Pt.
T, §11, is further amended to read:

22 **§6746. Mussel boat license**

24 **1. License required.** ~~It-is-unlawful-for-any~~ A person ~~to~~
26 may not use a boat for dragging for mussels unless that boat
carries a current mussel boat license issued by the commissioner.

28 **2. Licensed activity.** A boat license under this section
may be used for dragging for mussels. The license ~~shall~~ also
30 ~~authorize~~ authorizes the captain and crew members aboard the
32 licensed boat when engaged in dragging for mussels to undertake
these activities.

34 **3. Eligibility.** A mussel boat license ~~shall-only~~ may be
36 issued only to an individual who is a resident.

38 **4. Exception.** In any one day, ~~any~~ a person may take or
possess not more than 2 bushels of shell mussels for personal use
40 without a mussel license.

42 **5. Fee.** The fee for a mussel boat license is \$130.

44 **6. Violation.** A person who violates this section commits a
civil violation for which a forfeiture of not less than \$100 nor
46 more than \$500 may be adjudged.

48 **Sec. B-48. 12 MRSA §6748**, as enacted by PL 1993, c. 416, §2
and affected by §4, is amended to read:

§6748. Handfishing sea urchin license

1. **License required.** ~~It is unlawful for a~~ A person ~~to~~ may ~~not~~ engage in the activities authorized ~~by the license~~ under this section without a current handfishing sea urchin license or other license issued under this Part authorizing the activities.

2. **Licensed activity.** The holder of a handfishing sea urchin license may take sea urchins by hand or possess, ship, transport or sell sea urchins taken by that licensee.

3. **Eligibility.** A handfishing sea urchin license may be issued only to an individual ~~and who~~ is a resident ~~licensee~~.

4. **Fee.** The fee for a handfishing sea urchin license is \$89.

5. **Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-49. 12 MRSA §6748-A, as amended by PL 1993, c. 740, §1, is further amended to read:

§6748-A. Sea urchin draggers license

1. **License required.** ~~It is unlawful for a~~ A person ~~to~~ may ~~not~~ use a boat for dragging for sea urchins unless that boat carries a sea urchin dragging license issued by the commissioner.

2. **Licensed activity.** A boat licensed under this section may be used for dragging for sea urchins. The license also authorizes the captain and crew members aboard the licensed boat to drag for and possess, ship, transport and sell sea urchins.

3. **Eligibility.** A sea urchin dragging license may be issued only to an individual ~~and who~~ is a resident ~~licensee~~.

4. **Fee.** The fee for a sea urchin dragging license is \$89.

5. **Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-50. 12 MRSA §6748-D, as enacted by PL 1995, c. 392, §4, is amended to read:

§6748-D. Sea urchin hand-raking and trapping license

1. **License required.** ~~It is unlawful for a~~ A person ~~to~~ may ~~not~~ engage in the activities authorized under this section without a current sea urchin hand-raking and trapping license.

2. **Licensed activity.** The holder of a sea urchin hand-raking and trapping license may take sea urchins by hand-raking or by trap and may possess, ship, transport or sell sea urchins taken by that licensee.

3. **Eligibility.** A sea urchin hand-raking and trapping license may be issued only to an individual and who is a resident ~~licensee~~.

4. **Fee.** The fee for a sea urchin hand-raking and trapping license is \$89.

5. **Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-51. 12 MRSA §6751, as amended by PL 1991, c. 591, Pt. T, §12, is further amended to read:

§6751. Marine worm digger's license

1. **License required.** ~~It shall be unlawful for any~~ A person ~~to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current marine worm digger's license or other license issued under this Part authorizing the activities.

2. **Licensed activity.** The holder of a marine worm digger's license may fish for or take marine worms or possess, ship, transport or sell within the State worms he the licensee has taken.

3. **Eligibility.** A marine worm digger's license ~~shall only~~ may be issued only to an individual ~~and shall be~~ who is a resident ~~licensee~~.

4. **Fee.** The fee for a marine worm digger's license is \$43.

5. **Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

Sec. B-52. 12 MRSA §6803, as corrected by RR 1999, c. 1, §17, is amended to read:

§6803. Seaweed permit

2 1. **Permit required.** ~~It is unlawful for any~~ A person ~~to~~ may
4 not harvest, possess, ship, transport or sell seaweed without a
6 current seaweed permit, except that an employee or immediate
8 relation of a seaweed permit holder may harvest, possess or
10 transport seaweed for commercial purposes with a supplemental
12 seaweed permit.

14 2. **Exceptions.** The ~~requirement--of~~ following are not
16 required to have a permit shall not apply to:

18 A. The holder of a current marine worm dealer's license;

20 B. The holder of a current wholesale seafood license;

22 C. Any A person who harvests, possesses, ships or
24 transports no more than 50 pounds of seaweed a day for
26 noncommercial purposes;

28 D. Charitable or municipal organizations that harvest,
30 possess, ship or transport seaweed for noncommercial use by
32 that organization; or

34 E. Anyone harvesting, possessing, shipping, transporting or
36 selling seaweed which that has detached naturally and is
38 dead.

40 3. **Fees.** The fee schedule for seaweed permits is as
42 follows:

44 A. Fifty dollars for a resident seaweed permit;

46 B. Two hundred dollars for a nonresident seaweed permit;

48 C. Twenty-five dollars for a resident supplemental seaweed
50 permit; and

 D. Fifty dollars for a nonresident supplemental seaweed
 permit.

 4. **Disposition of fees.** All fees collected under this
 section accrue to the Seaweed Management Fund established in
 section 6806.

 5. **Violation.** A person who violates this section commits a
 civil violation for which a forfeiture of not less than \$100 nor
 more than \$500 may be adjudged.

Sec. B-53. 12 MRSA §6804, sub-§1, as enacted by PL 1999, c.
 491, §5 and affected by §9, is amended to read:

2 **1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may
4 not engage in the activities authorized ~~by this license~~ under
 this section without a current commercial shrimp license.

6 **Sec. B-54. 12 MRSA §6804, sub-§9** is enacted to read:

8 **9. Violation.** A person who violates this section commits a
10 civil violation for which a forfeiture of not less than \$100 nor
 more than \$500 may be adjudged.

12 **Sec. B-55. 12 MRSA §6851, sub-§§1 and 4,** as amended by PL 1991,
14 c. 523, §3, are further amended to read:

16 **1. License required.** ~~It is unlawful for any~~ A person ~~to~~
 may not engage in the activities authorized ~~by this license~~ under
18 this section without a current wholesale seafood license or other
 license issued under this Part authorizing the activities.

20 **4. License limited.** A license under this section only
22 authorizes activities at only one establishment or with only one
 vehicle, but not on a vessel rigged to fish, provided that this
24 license also authorizes the sale and transportation of scallops
 from any vessel.

26 **Sec. B-56. 12 MRSA §6851, sub-§7** is enacted to read:

28 **7. Violation.** A person who violates this section commits a
30 civil violation for which a forfeiture of not less than \$100 nor
 more than \$500 may be adjudged.

32 **Sec. B-57. 12 MRSA §6852, sub-§§1 and 3,** as enacted by PL 1977,
34 c. 661, §5, are amended to read:

36 **1. License required.** ~~It shall be unlawful for any~~ A person
 ~~to~~ may not engage in the activities authorized ~~by this license~~
38 under this section without a retail seafood license or other
 license issued under this Part authorizing the activities.

40 **3. License limited.** A license ~~shall only authorize~~
42 authorizes these activities at only one establishment or with
 only one vehicle.

44 **Sec. B-58. 12 MRSA §6852, sub-§5** is enacted to read:

46 **5. Violation.** A person who violates this section commits a
48 civil violation for which a forfeiture of not less than \$100 nor
 more than \$500 may be adjudged.

2 **Sec. B-59. 12 MRSA §6853**, as amended by PL 1991, c. 591, Pt.
T, §16, is further amended to read:

4 **§6853. Marine worm dealer's license**

6 1. **License required.** ~~It shall be unlawful for any~~ A person
to ~~may not~~ engage in the activities authorized ~~by this license~~
8 under this section without a current marine worm dealer's or
other license issued under this Part authorizing the activities.

10 2. **Licensed activity.** The holder of a marine worm dealer's
12 license may buy, possess, ship, transport or sell marine worms.

14 3. **License limited.** A license ~~shall--only--authorize~~
authorizes these activities at only one establishment or with
16 only one vehicle.

18 4. **Supplemental license.** A supplemental license ~~shall~~ must
be obtained for each additional establishment or vehicle.

20 5. **Eligibility.** The marine worm dealer's license ~~shall be~~
22 is a resident license.

24 6. **Fee.** The fee for a marine worm dealer's license is \$55
and the fee for a supplemental license is \$22.

26 7. **Violation.** A person who violates this section commits a
28 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

30 **Sec. B-60. 12 MRSA §6854**, as amended by PL 1991, c. 591, Pt.
32 T, §17, is further amended to read:

34 **§6854. Lobster transportation license**

36 1. **License required.** ~~It shall be unlawful for any~~ A person
to ~~may not~~ engage in the activities authorized under ~~this license~~
38 by this section without a lobster transportation license.

40 2. **License activity.** The holder of a lobster
transportation license may buy from a licensed wholesale seafood
42 dealer and transport beyond the state limits lobsters or their
parts or meat. Lobster parts or meat may only be transported only
44 if they are properly permitted under section 6857 or lawfully
imported.

46 3. **License limitations.** A license ~~shall--only--authorize~~
48 authorizes these activities with only one vehicle, ~~--which--is~~
owned, leased or rented by the license holder.

2 **4. Supplemental license.** A supplemental license shall must
be obtained for each additional vehicle.

4 **5. Information required.** Each application shall ~~identify~~
must identify each vehicle or other mode of transportation to be
6 used for transporting lobster.

8 **6. Fees.** The fee for a lobster transportation license is
\$217 and the fee for a supplemental license is \$43.

10 **7. Violation.** A person who violates this section commits a
12 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

14 **Sec. B-61. 12 MRSA §6855**, as amended by PL 1991, c. 591, Pt.
16 T, §18, is further amended to read:

18 **§6855. Shellfish transportation license**

20 **1. License required.** ~~It shall be unlawful for any~~ A person
to may not engage in the activities authorized under this license
22 ~~by this~~ section without a shellfish transportation license.

24 **2. License activity.** The holder of a shellfish
transportation license may buy certified shellfish and transport
26 them beyond the state limits, to the extent these activities are
expressly authorized by a shellfish certificate or its equivalent
28 from another state.

30 **3. License limitations.** All shellfish transported under
this license shall must be procured from a wholesale seafood
32 licensee certified under section 6856. A license shall ~~only~~
authorize authorizes these activities with only one vehicle,
34 ~~which is~~ owned, leased or rented by the license holder.

36 **4. Supplemental license.** A supplemental license shall must
be obtained for each additional vehicle.

38 **5. Information required.** Each application shall must
40 identify each vehicle or other mode of transportation to be used
for transporting shellfish.

42 **6. Fees.** The fee for a shellfish transportation license is
44 \$259 and the fee for a supplemental license is \$85.

46 **7. Violation.** A person who violates this section commits a
48 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

2 **Sec. B-62. 12 MRSA §6857**, as amended by PL 1991, c. 591, Pt.
T, §19, is further amended to read:

4 **§6857. Lobster meat permit**

6 **1. Permit required.** ~~It shall be unlawful for any~~ A person
to ~~may not~~ engage in the activities authorized ~~by this license~~
8 under this section without a current lobster meat permit.

10 **2. Permitted activity.** A lobster meat permit authorizes a
wholesale seafood license holder or a retail seafood license
12 holder to remove lobster meat from the shell for sale, under the
following conditions.

14 A. The meat ~~shall only~~ may be removed from the shell only
16 at the establishment named in the permit.

18 B. The meat ~~shall only~~ may come from only legal-sized
20 legal-sized lobsters.

22 C. Tail sections ~~shall must~~ be removed from the shell whole
and intact and ~~shall must~~ be maintained in that state.

24 D. All containers in which lobster meat is packed after
removal and ~~which that~~ are to be sold, shipped or
26 transported ~~shall must~~ be clearly labeled with the lobster
meat permit number of the packer.

28 **3. Exception.** No A permit ~~shall be~~ is not required to
30 remove lobster meat for serving in hotels and restaurants
~~provided if~~ the meat is removed from the shell in a hotel or
32 restaurant for serving on the premises.

34 **4. License limitation.** A permit ~~shall only authorize~~
authorizes these activities at only one location or place of
36 business.

38 **5. Fee.** The fee for a lobster meat permit is \$110.

40 **6. Prima facie evidence meat removed for sale.** If any
lobster meat ~~which that~~ has been removed from the shell is found
42 on the premises of any establishment ~~which that~~ is engaged in the
selling, serving, processing or transporting of food in any form
44 for human consumption, it ~~shall be~~ is prima facie evidence that
the meat was removed for sale.

46 **7. Violation.** A person who violates this section commits a
48 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

50

2 **Sec. B-63. 12 MRSA §6862**, as amended by PL 1997, c. 84, §1,
is further amended to read:

4 **§6862. Lobster tail permit**

6 **1. Current lobster tail permit.** ~~It is unlawful for any~~ A
person ~~to~~ may not engage in the activities authorized by a permit
8 ~~issued~~ under this section without a current lobster tail permit.

10 **2. Permitted activity.** A lobster tail permit authorizes a
wholesale seafood license holder to remove a lobster tail from a
12 lobster and to process that whole lobster tail or portions of
that lobster tail under the following conditions.

14 A. The lobster tail or lobster tail portions may be
16 processed only at the establishment named in the permit.

18 B. The lobster tail or lobster tail portions may only come
from only a legal-sized legal-sized lobster, as defined in
20 section 6431.

22 C. All containers in which lobster tails or lobster tail
portions are packed to be sold, shipped or transported must
24 be clearly labeled with the name, address and permit number
of the packer.

26 **3. Permit limitation.** A permit ~~may--only--authorize~~
28 authorizes these activities at only one location or place of
business.

30 **4. Rules.** The commissioner, in accordance with ~~the-Maine~~
32 ~~Administrative-Procedure-Act, Title 5, chapter 375, may adopt~~
~~such--regulations--as--are--determined~~ rules necessary for
34 implementation and enforcement of this section. These
~~regulations~~ rules may include provisions for determining that
36 lobster tails or lobster tail portions processed by a wholesale
seafood license holder under this section were removed by that
38 wholesale seafood license holder from ~~legal--sized legal-sized~~
lobsters and other provisions as may be determined necessary.

40 **6. Violation.** A person who violates this section commits a
42 civil violation for which a forfeiture of not less than \$100 nor
more than \$500 may be adjudged.

44 **Sec. B-64. 12 MRSA §6864, sub-§1**, as enacted by PL 1995, c.
46 536, Pt. A, §10 and affected by §13, is amended to read:

48 **1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may
not buy, possess, ship, transport or sell elvers without an elver
50 dealer's license.

2 **Sec. B-65. 12 MRSA §6864, sub-§7** is enacted to read:

4 **7. Violation.** A person who violates this section commits a
6 civil violation for which a forfeiture of not less than \$100 nor
 more than \$500 may be adjudged.

8 **Sec. B-66. 12 MRSA §6954,** as amended by PL 1997, c. 78, §1,
10 is further amended to read:

12 **§6954. Dragging in cable area**

14 **1. Towing a drag or trawl in cable area.** ~~It is unlawful to~~
16 A person may not operate any watercraft when towing a drag or
18 trawl in any waters that are identified or marked as underwater
20 cable or pipeline areas, either as shown on the most recently
22 published United States Government nautical chart or as shown or
 described by rule adopted by the commissioner. The commissioner
 may make rules showing or describing the locations of underwater
 cables or pipelines that are not identified on the most recent
 United States Government nautical charts. A drag or trawl must
 be lifted out of the water to transit the cable area.

24 **2. Violation.** ~~A violation--of person who violates this~~
26 ~~section is a Class-D crime, except that the minimum fine shall be~~
 commits a civil violation for which a forfeiture of not less than
28 \$500 and may not be suspended be adjudged. If a person violates
 subsection 1, the court may also:

30 A. Order that person to pay to the owner of any cable or
32 pipeline that was cut or damaged an amount equal to the
 replacement value of the cable or pipeline that was cut or
 damaged, along with the costs of replacement or repair;

34 B. Order that person to pay consequential damages to any
36 person injured by the interruption in service caused by the
 cutting of or damage to the cable or pipeline; and

38 C. Direct that person to provide the commissioner, upon
40 making full payment as ordered by the court, proof of that
 payment.

42 **Sec. B-67. 12 MRSA §6954-A,** as amended by PL 1997, c. 78, §2,
44 is further amended to read:

46 **§6954-A. Dragging and scalloping prohibited in the Frenchboro**
 area

48 **1. Tow drag or trawl in Frenchboro area.** Unless permitted
50 by rules adopted under subsection 1-A, ~~it is unlawful to a person~~

2 may not take scallops by any means or to operate any watercraft
4 when towing a drag or trawl within the following area: starting
6 at the easternmost point on Red Point, Swan's Island; thence in
8 an easterly direction to the southernmost point of the western
10 Sister's Island; thence in a southeasterly direction to the
12 southernmost point of Crow Island; thence in a southerly
14 direction to the northernmost point of Harbor Island, Frenchboro,
16 Long Island; thence southerly to the state ferry terminal located
on the eastern side of Lunt's Harbor, Frenchboro, Long Island,
and then starting at the westernmost point of Gooseberry Point on
Frenchboro, Long Island; westerly to the northeast point of
John's Island; thence northwest to the easternmost point of the
largest of the Baker Islands; thence northwesterly to the
northeastern point of Harbor Island, Swan's Island; thence
northerly to Quarry Wharf, Minturn, Swan's Island. A drag or
trawl must be lifted out of the water to transit the cable area.

18 **1-A. Scalloping permitted by rule.** The commissioner may
20 adopt and amend rules permitting the taking of scallops in the
22 Frenchboro area, as defined in subsection 1, except that the
24 rules may not permit the use of drags more than 30 inches wide
and may not permit the use of drag ropes more than 3/8 inch in
diameter.

26 **2. Violation.** A violation--of person who violates this
28 section is-a-Class-D-crime,-except-that-the-minimum-fine-shall-be
30 commits a civil violation for which a forfeiture of not less than
\$500 and may not-be-suspended be adjudged. If a person violates
subsection 1, the court may also:

32 A. Order that person to pay to the owner of any cable that
34 was cut or damaged an amount equal to the replacement value
of the cable that was cut or damaged, along with the costs
of replacement or repair;

36 B. Order that person to pay consequential damages to any
38 person injured by the interruption in service caused by the
cutting of or damage to the cable; and

40 C. Direct that person to provide the commissioner, upon
42 making full payment as ordered by the court, proof of that
payment.

44 **Sec. B-68. 12 MRSA §7061,** as enacted by PL 1979, c. 420, §1,
46 is repealed.

48 **Sec. B-69. 12 MRSA §7077, sub-§1,** as repealed and replaced by
50 PL 1995, c. 346, §4 and amended by PL 1999, c. 547, Pt. B, §78
and affected by §80, is further amended to read:

1. **Conviction or adjudication of violation.** Any conviction
or adjudication for a violation of chapters 701 to 721 is grounds
for suspension of any license or permit issued under this Part.
Except where provided by law, the commissioner shall determine
the suspension period. To suspend a license or permit based upon
a conviction or adjudication, the commissioner shall follow the
procedures under section 7077-B. Suspensions and revocations of
a license by the District Court are subject to the provisions of
section 7101, subsection 8.

Sec. B-70. 12 MRSA §7077, sub-§1-A, ¶G, as enacted by PL 1993,
c. 136, §1, is amended to read:

G. ~~Hunting or possessing~~ Possessing caribou, in violation
of section 7456-B 7238;

Sec. B-71. 12 MRSA §7077, sub-§1-B, as amended by PL 1999, c.
320, §§2 and 3, is further amended to read:

**1-B. Mandatory fishing license revocation for certain
violations.** The commissioner shall suspend a person's fishing
license for at least one year and may suspend any other license
issued under this Part and held by that person if that person is
convicted or adjudicated of a violation of one of the following:

A. Introducing fish into inland waters without a permit in
violation of section 7371, subsection 3 as it applies to
section 7203, subsection 1;

B. Taking or possessing sport fish in violation of bag,
weight and size limits in violation of section 7604, as it
relates to trout, salmon, togue and black bass, whenever the
violation involves twice the bag and possession limit
adopted by rule by the commissioner for that species of fish
in that body of water;

C. Taking fish by jigging, in violation of section 7607;

D. Importing live bait fish or smelts, in violation of
section 7613;

E. Buying or selling freshwater sport fish, in violation of
section 7615; and

F. Taking fish by explosive, poisonous or stupefying
substances, in violation of section 7617.

Sec. B-72. 12 MRSA §7077-B, sub-§1, as amended by PL 1997, c.
432, §16, is further amended to read:

1. **For mandatory suspensions.** For violations having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license holder must surrender the license immediately to the commissioner. That person is not entitled to a hearing under section 7077-D if the suspension period does not exceed the minimum period of suspension required by law. In addition to any suspension period ordered by the commissioner, a person whose license is suspended for a violation having a mandatory suspension must successfully complete an outdoor ethics course conducted or endorsed by the department prior to being eligible to have that license reinstated.

Sec. B-73. 12 MRSA §7077-C, as enacted by PL 1995, c. 346, §12, is amended to read:

§7077-C. Notice of suspension

A decision by the commissioner to suspend a license of a person convicted or adjudicated of a violation that does not carry a mandatory suspension must be made within 60 days after that conviction. The commissioner shall give written notice of all suspensions immediately following a decision to suspend. A notice of suspension must state the license or permit that is suspended and the effective date and length of the suspension and must inform the person of any applicable hearing provisions under section 7077-D.

Sec. B-74. 12 MRSA §7077-D, sub-§2, as enacted by PL 1995, c. 346, §12, is amended to read:

2. Decisions. Decisions of the commissioner must be in writing. Except as provided in subsection 3, the commissioner may reinstate the license or permit or reduce the suspension period if the commissioner finds that the person has not been convicted or adjudicated or that reinstatement of the license or permit or reduction of the suspension period would be in the best interests of justice.

Sec. B-75. 12 MRSA §7078, as amended by PL 1987, c. 317, §5, is further amended to read:

§7078. Refusal to issue license or permit

If any person is convicted or adjudicated of a violation of any provision of chapters 701 to 721 and is not the holder of a valid license or permit issued under chapters 701 to 721, the commissioner may refuse to issue a related license or permit to that person for up to 5 years following the date of conviction or adjudication, except when the killing or wounding of a human

being has occurred, in which case the commissioner may revoke the license or permit for a period of not less than 5 years.

Sec. B-76. 12 MRSA §7079, as amended by PL 1987, c. 317, §6, is further amended to read:

§7079. License revocation of habitual violator

1. **Conviction or adjudication of violation.** If any a habitual violator, as defined in section 7001, subsection 13-A, is convicted or adjudicated of a violation of any provision of chapters 701 to 721, the commissioner shall revoke all licenses and permits held by that person. No A license may not be granted to that person for a period to be determined by the commissioner, but not less than 3 years from the date of revocation.

2. **Hearing provisions.** A hearing for a person whose licenses and permits have been revoked under this section is governed by this subsection.

A. Any A person whose licenses and permits have been revoked under this section may, within 30 days of the effective date of the revocation, petition for a hearing before the commissioner to show cause why his the licenses and permits should not have been revoked.

B. If, after the hearing, the commissioner finds that the person's petitioner's record does not bring him the petitioner within the definition of an habitual violator, the commissioner shall rescind the revocation shall--be reseinded. If the commissioner finds that the person's petitioner's record does bring him the petitioner within the definition of an habitual violator, the revocation shall remain remains in effect. If the petitioner denies any of the facts contained in the record, he--shall--have the petitioner has the burden of proof.

Sec. B-77. 12 MRSA §7365, sub-§1, as enacted by PL 1983, c. 502, §4, is amended to read:

1. **Requirement.** A commercial whitewater outfitter's license is required for all commercial whitewater outfitters. ~~Operation of a commercial whitewater trip by an~~ An outfitter may not operate a commercial whitewater trip without a license is ~~prohibited, and is subject to penalty under section 7370-A.~~

Sec. B-78. 12 MRSA §7368-A, sub-§2, as enacted by PL 1989, c. 883, §10, is amended to read:

2 **2. Reporting.** Each outfitter shall report monthly to the
3 department the number of passengers carried each day on each
4 rapidly flowing river. This report must be accurate and
5 submitted by the 30th day of the month following the month in
6 which the passengers were carried. ~~Inaccurate--reporting--or~~
7 ~~failure-to-report-may-subject-the-outfitter-to-the-penalties-in~~
8 ~~section-7370-A.~~

9 **Sec. B-79. 12 MRSA §7370-A**, as amended by PL 1983, c. 786,
10 §10, is repealed.

11 **Sec. B-80. 12 MRSA §7406, sub-§3**, as amended by PL 1995, c.
12 679, §3, is further amended to read:

13 **3. Hunting while under the influence of intoxicating liquor**
14 **or drugs.** A person commits the crime of hunting while under the
15 influence of intoxicating liquor or drugs if that person hunts
16 wild animals or wild birds:

17 A. While under the influence of intoxicating liquor or
18 drugs or a combination of liquor and drugs;

19 B. For a person 21 years of age or older, while having
20 0.08% or more by weight of alcohol in that person's blood; or

21 C. For a person less than 21 years of age, while having any
22 amount of alcohol in the blood.

23 ~~Hunting-while-under-the-influence-of-intoxicating-liquor-or-drugs~~
24 ~~is-a-Class-D-crime.~~

25 **Sec. B-81. 12 MRSA §7456-B**, as enacted by PL 1979, c. 543,
26 §43, is repealed.

27 **Sec. B-82. 12 MRSA §7801, sub-§9**, as amended by PL 1995, c.
28 679, §5, is further amended to read:

29 **9. Operating watercraft while under the influence of**
30 **intoxicating liquor or drugs.** A person commits the crime of
31 operating a watercraft while under the influence of intoxicating
32 liquor or drugs if that person operates or attempts to operate
33 any watercraft:

34 A. While under the influence of intoxicating liquor or
35 drugs or a combination of liquor and drugs;

36 B. For a person 21 years of age or older, while having
37 0.08% or more by weight of alcohol in that person's blood; or

2 C. For a person less than 21 years of age, while having any
amount of alcohol in the blood.

4 ~~Operating a watercraft while under the influence of intoxicating~~
~~liquor or drugs is a Class D crime.~~

6
8 **Sec. B-83. 12 MRSA §7801, sub-§28**, as amended by PL 1987, c.
196, §2, is further amended to read:

10 **28. Failure to display an excise tax decal.** An The owner
12 of a watercraft ~~who fails to~~ shall display the excise tax decal,
as required by Title 36, chapter 112, ~~commits a civil violation~~
14 ~~for which a forfeiture, payable to the municipality where the~~
~~watercraft is subject to excise tax, of not less than \$25 nor~~
16 ~~more than \$250 shall be adjudged.~~ In all cases where the owner of
a watercraft fails to display an excise tax decal as required
18 under Title 36, chapter 112, the law enforcement officer
discovering the failure shall notify the tax collector of the
20 owner's residence or, in the case of nonresidents, partnerships
or corporations, foreign or domestic, the tax collector of the
22 municipality where the watercraft is principally moored, docked
or located or has its established base of operations.

24 **Sec. B-84. 12 MRSA §7801, sub-§29**, as enacted by PL 1987, c.
196, §3, is amended to read:

26
28 **29. Failure to maintain a list or to make lists available.**
~~Where a~~ A marina or boat yard owner ~~fails to~~ shall maintain the
list required by Title 36, section 1504, subsection 9, ~~or fails~~
30 ~~to~~ and make that list available as required by that section, ~~he~~
~~commits a civil violation for which a forfeiture of not less than~~
32 ~~\$25 nor more than \$250 shall be adjudged.~~

34 **Sec. B-85. 12 MRSA §7827, sub-§9**, as amended by PL 1995, c.
679, §6, is further amended to read:

36
38 **9. Operating a snowmobile while under the influence of**
intoxicating liquor or drugs. A person commits the crime of
operating a snowmobile while under the influence of intoxicating
40 liquor or drugs if that person operates or attempts to operate
any snowmobile:

42
44 A. While under the influence of intoxicating liquor or
drugs or a combination of liquor and drugs;

46 B. For a person 21 years of age or older, while having
0.08% or more by weight of alcohol in that person's blood; or

48
50 C. For a person less than 21 years of age, while having any
amount of alcohol in the blood.

2 ~~Operating a snowmobile while under the influence of intoxicating~~
3 ~~liquor or drugs is a Class D crime.~~

4
5 **Sec. B-86. 12 MRSA §7856, sub-§2**, as enacted by PL 1983, c.
6 297, §§1 and 3, is amended to read:

7
8 **2. Stop and identify requirement.** Any A person operating
9 an ATV upon the land of another shall stop and identify himself
10 the person upon the request of the landowner or his the
11 landowner's duly authorized representative. Any A person in
12 violation shall must be held accountable to the owner under
13 existing laws and the penalty provided in Title 12, section 7901
14 7901-A.

15
16 **Sec. B-87. 12 MRSA §7857, sub-§10**, as amended by PL 1995, c.
17 679, §9, is further amended to read:

18
19 **10. Operating an ATV while under the influence of**
20 **intoxicating liquor or drugs.** A person commits the crime of
21 operating an ATV while under the influence of intoxicating liquor
22 or drugs if that person operates or attempts to operate any ATV:

23
24 A. While under the influence of intoxicating liquor or
25 drugs or a combination of liquor and drugs;

26
27 B. For a person 21 years of age or older, while having
28 0.08% or more by weight of alcohol in that person's blood; or

29
30 C. For a person less than 21 years of age, while having any
31 amount of alcohol in the blood.

32
33 ~~Operating an ATV while under the influence of intoxicating liquor~~
34 ~~or drugs is a Class D crime.~~

35
36 **Sec. B-88. 12 MRSA §7901**, as amended by PL 1999, c. 771, Pt.
37 A, §2 and affected by Pt. D, §§1 and 2, is repealed.

38
39 **Sec. B-89. 12 MRSA §7901-A** is enacted to read:

40
41 **§7901-A. Penalties**

42
43 A person who violates a provision of chapters 701 to 721
44 commits a Class E crime, except as provided in this section.

45
46 **1. Violations of chapter 703.** The following violations are
47 civil violations for which a forfeiture of not less than \$100 nor
48 more than \$500 may be adjudged:

2 A. Defacement of notices as described in section 7036,
3 subsection 2; and

4 B. Trapping by certain department employees as described in
5 section 7036, subsection 5.

6
7 2. Violations of chapter 705, subchapter III. The
8 following violations are civil violations for which a forfeiture
9 of not less than \$100 nor more than \$500 may be adjudged:

10 A. Illegal disposal of offal or littering as described in
11 section 7064.

12
13 3. Civil violations of chapter 707, subchapter X-A.
14 Violations of chapter 707, subchapter X-A are civil violations
15 for which a forfeiture of not less than \$100 nor more than \$500
16 may be adjudged, except that the following are Class E crimes:

17 A. Operation of a commercial whitewater trip without a
18 license as described in section 7365; and

19 B. Operation of a commercial whitewater trip on the river
20 in violation of the safety requirements of section 7367,
21 subsection 1.

22
23 The penalties for failure to comply with or for providing false
24 information under chapter 707, subchapter X-A include nonrenewal,
25 revocation or suspension of an outfitter's or guide's license or
26 an allocation or both, subject to the procedures of Title 5,
27 chapter 375.

28
29 4. Civil violations of chapter 707, subchapter XI. The
30 following violations of chapter 707, subchapter XI are civil
31 violations for which a forfeiture of not less than \$100 nor more
32 than \$500 may be adjudged:

33 A. License restriction violation as described in section
34 7371, subsection 1;

35 B. License privilege violation as described in section
36 7371, subsection 2;

37 C. Guide client in violation as described in section
38 7371-A, subsection 1;

39 D. Guide fails to report violation by client as described
40 in section 7371-A, subsection 2;

41 E. Guide party of more than 12 on inland waters, as
42 described in section 7371-A, subsection 3;

2 F. Purchase of live smelts from unlicensed dealer as
4 described in section 7371-B; and

6 G. Unlawfully hiring a guide as described in section 7376-A.

8 5. Criminal violations of chapter 707, subchapter XI. The
10 following violations of chapter 707, subchapter XI are criminal
12 violations.

14 A. Failure to have license or permit as described in
16 section 7371, subsection 3, as it applies to section 7203,
18 subsection 1 is a Class E crime, except that,
20 notwithstanding Title 17-A, section 1301, the fine may not
22 be less than \$1,000 nor more than \$10,000.

24 B. Guiding without a license as described in section 7371,
26 subsection 3, as it applies to section 7311, subsection 1,
28 is a Class D crime for which the court shall impose a
30 sentencing alternative involving a term of imprisonment of 3
32 days, none of which may be suspended. The court shall also
34 impose a fine of \$1,000, none of which may be suspended.

36 C. Failure to have a license or permit as described in
38 section 7371, subsection 3, is a Class E crime for which the
40 minimum fine is \$50 plus an amount equal to twice the
42 applicable license fee, none of which may be suspended.

44 6. Civil violations of chapter 709. The following
46 violations of chapter 709 are civil violations for which a
48 forfeiture of not less than \$100 nor more than \$500 may be
50 adjudged, unless otherwise specified:

A. Chapter 709, subchapter I violations:

(1) Shooting at or near wildfowl decoys as described
in section 7406, subsection 11;

(2) Hunting without hunter orange clothing as
described in section 7406, subsection 12; and

(3) Allowing a junior hunter to hunt without adult
supervision as described in section 7406, subsection 21;

B. Chapter 709, subchapter II violations:

(1) Trapping near compact, built-up portion of city or
village as described in section 7432, subsection 6; and

(2) Failure to label traps as described in section
7432, subsection 9;

2 C. Chapter 709, subchapter III violations:

4 (1) Hunting or trapping bear near dumps as described
6 in section 7452, subsection 5;

8 (2) Leaving a bear as described in section 7452,
10 subsection 8;

12 (3) Failure to attach a bear tag to a bear as
14 described in section 7452, subsection 11;

16 (4) Illegally transporting bear as described in
18 section 7452, subsection 13;

20 (5) Transporting bear out of the State as described in
22 section 7452, subsection 14;

24 (6) Hunting migratory game birds without certification
26 as described in section 7456, subsection 1-A;

28 (7) Hunting waterfowl on Haley Pond as described in
30 section 7456, subsection 2;

32 (8) Transporting deer out of the State as described in
34 section 7458, subsection 12;

36 (9) Hunting deer with .22 caliber rim fire cartridge
38 as described in section 7458, subsection 13;

40 (10) Use of firearm in the Town of Southport as
42 described in section 7458, subsection 14;

44 (11) Transporting wild hares or rabbits out of the
46 State as described in section 7462, subsection 3;

48 (12) Possessing or transporting wild hares or rabbits
50 as described in section 7462, subsection 4;

(13) Failure to attach a moose tag to a moose as
 described in section 7464, subsection 6;

(14) Use of illegal firearms as described in section
 7464, subsection 8-A;

(15) Illegal hunting methods as described in section
 7464, subsection 8-C;

(16) Failure to attach a wild turkey tag to a wild
 turkey as described in section 7469, subsection 7;

2 (17) Use of illegal weapons or ammunition as described
3 in section 7469, subsection 11; and

4 (18) Taking of snakes and turtles from the wild for
5 commercial purposes as described in section 7471;

8 D. Chapter 709, subchapter IV violations:

10 (1) Failure to report an accident with deer, moose or
11 bear as described in section 7505, subsection 1;

12 (2) Removing a portion of carcass as described in
13 section 7505, subsection 2; and

14 (3) Failure to restrain or control a nuisance dog as
15 described in section 7505, subsection 3; and

16 E. Chapter 709, subchapter V violations:

17 (1) Transportation of wild animal or bird as described
18 in section 7535, subsection 1.

19 7. Criminal violations of chapter 709. The following
20 violations of chapter 709 are criminal violations.

21 A. A person is guilty of buying or selling wild birds or
22 wild animals if that person:

23 (1) Buys or sells bear in violation of section 7452,
24 subsection 9;

25 (2) Sells wild birds in violation of section 7456,
26 subsection 5;

27 (3) Buys or sells deer in violation of section 7458,
28 subsection 3;

29 (4) Buys or sells moose in violation of section 7464,
30 subsection 8; or

31 (5) Buys or sells wild turkey in violation of section
32 7469, subsection 9.

33 Buying or selling wild birds or wild animals is a Class D
34 crime for which the court shall impose a sentencing
35 alternative involving a term of imprisonment of not less
36 than 10 days for a first offense, none of which may be
37 suspended, and not less than 20 days for each succeeding
38 offense, none of which may be suspended. The court also

2 shall impose a fine of not less than \$1,000, none of which
3 may be suspended.

4 B. Failure to aid injured person or report a hunting
5 accident as described in 7406, subsection 15 is a Class C
6 crime.

8 C. The following crimes are Class D crimes for which the
9 court shall impose a sentencing alternative involving a term
10 of imprisonment not to exceed 180 days; the court also shall
11 impose a fine of not less than \$1,000, none of which may be
12 suspended;

14 (1) Hunting a bear during the closed season or
15 possessing a bear taken during the closed season as
16 described in section 7406, subsection 1;

18 (2) Hunting or trapping a bear after having killed
19 one, as described in section 7452, subsection 3; and

20 (3) Exceeding the bag limit on bears as described in
21 section 7452, subsection 4.

24 D. The following crimes are Class D crimes for which the
25 court shall impose a sentencing alternative of not less than
26 3 days for the first offense, none of which may be
27 suspended, and of not less than 10 days for each succeeding
28 offense, none of which may be suspended; the court also
29 shall impose a fine of not less than \$1,000, none of which
30 may be suspended;

32 (1) Hunting a deer during the closed season or
33 possessing a deer taken during the closed season as
34 described in section 7406, subsection 1;

36 (2) Night hunting for wild animals or wild birds as
37 described in section 7406, subsection 5;

38 (3) Illegally possessing wild animals or wild birds as
39 described in section 7406, subsection 10 when the wild
40 animal or bird was taken in violation of section 7406,
41 subsection 5;

44 (4) Exceeding the bag limit on deer as described in
45 section 7458, subsection 1;

46 (5) Hunting deer after having killed one as described
47 in section 7458, subsection 2;

2 (6) Illegally hunting moose as described in section
 7464, subsection 1; and

4 (7) Illegally possessing moose as described in section
 7464, subsection 2.

6
8 E. The following are Class E crimes for which the court
 shall impose a fine of not less than \$500, none of which may
 be suspended:

10 (1) Illegally hunting wild turkeys as described in
12 section 7469, subsection 1; and

14 (2) Illegally possessing wild turkeys as described in
16 section 7469, subsection 2.

18 The court also shall impose a fine of \$500 for each turkey
 illegally possessed or killed, none of which may be
20 suspended.

22 8. Civil violations of chapter 710. The following
 violations of chapter 710 are civil violations for which a
24 forfeiture of not less than \$100 nor more than \$500 may be
 adjudged, unless otherwise specified:

26 A. Interference with taking as described in section 7541,
 subsection 1; and

28 B. Disturbing wild animals, wild birds or fish as described
30 in section 7541, subsection 2.

32 9. Civil violations of chapter 711. The following
 violations of chapter 711 are civil violations for which a
34 forfeiture of not less than \$100 nor more than \$500 may be
 adjudged:

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

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

42 C. Failure to check baitfish traps as described in section
44 7606-B;

46 D. Possession of illegal implements and devices as
 described in section 7609;

48 E. Purchase or sale of certain fish as described in section
50 7615;

2 F. Illegal importation or sale of certain fresh or frozen
3 fish as described in section 7616;

4 G. Advance baiting as described in section 7622;

6 H. Failure to label fish as described in section 7625;

8 I. Night ice fishing as described in section 7626;

10 J. Leaving ice fishing shack as described in section 7627;

12 K. Illegally placing ice fishing shack as described in
13 section 7627-A;

14 L. Failure to label ice fishing shack as described in
15 section 7628; and

16 M. Violation of ice fishing restriction as described in
17 section 7629.

18
19 10. Criminal violations of chapter 711. The following
20 violations of chapter 711 are criminal violations.

21
22
23 A. Except as provided in subsection 8, a fishing violation
24 as described in chapter 711, subchapter III is a Class E
25 crime. The court also shall impose a fine of \$20 for each
26 fish illegally possessed, none of which may be suspended.
27 If the violation is illegal fishing of Atlantic salmon, in
28 violation of section 7603, the court also shall impose a
29 fine of \$500 per fish, none of which may be suspended.

30
31 11. Civil violations of chapter 713. The following
32 violations of chapter 713 are civil violations for which a
33 forfeiture of not less than \$100 nor more than \$500 may be
34 adjudged:

35
36 A. Chapter 713, subchapter I violations:

37
38 (1) Using a motorboat within Merrymeeting Bay Game
39 Sanctuary as described in section 7654, subsection 4;

40
41 (2) Carrying a loaded firearm on the bounds of
42 Limington, Hollis and Waterboro Sanctuary as described
43 in section 7654, subsection 5;

44
45 (3) Carrying a loaded firearm on the bounds of
46 Standish Sanctuary as described in section 7654,
47 subsection 6;

2 (4) Fishing in Carleton Pond as described in section
 7654, subsection 7; and

4 (5) Acts in violation of rules or regulations of the
6 Maine Indian Tribal-State Commission as described in
 section 7655;

8 B. Chapter 713, subchapter II violations:

10 (1) Tampering with a screen as described in section
12 7674, subsection 1;

14 C. Chapter 713, subchapter III violations:

16 (1) Tampering with a fishway as described in section
 7702, subsection 1;

18 (2) Building a dam without notice as described in
20 section 7702, subsection 2; and

22 (3) Tampering with a dam as described in section 7702,
 subsection 3;

24 D. Chapter 713, subchapter IV violations:

26 (1) Keeping a wild animal in captivity as described in
 section 7736, subsection 1;

28 (2) Hunting on a state game farm as described in
30 section 7736, subsection 2; and

32 (3) Hunting in a licensed wildlife exhibit as
34 described in section 7736, subsection 3; and

36 E. Chapter 713, subchapter VI violations:

38 (1) Certain stocking of alewives prohibited as
 described in section 7775, subsection 1.

40 12. Violations of chapter 715. The following violations of
42 chapter 715 are civil violations for which a forfeiture of not
 less than \$100 nor more than \$500 may be adjudged, unless
44 otherwise provided:

46 A. Chapter 715, subchapter I violations:

48 (1) Operating a motorboat without a certificate of
 number as described in section 7801, subsection 1;

- 2 (2) Operating a motorboat without identification
3 number or validation stickers as described in section
4 7801, subsection 2;
- 6 (3) Illegal operation of watercraft on inland waters
7 without a holding tank or with a holding tank with
8 through-hull fittings as described in section 7801,
9 subsection 2-A;
- 10 (4) Violation of license, permit or certificate
11 restriction as described in section 7801, subsection 3;
- 13 (5) Holding a regatta, race, boat exhibition or
14 water-ski exhibition without a permit as described in
15 section 7801, subsection 4;
- 16 (6) Unlawfully crossing the area of an authorized
17 regatta, race, boat exhibition or water-ski exhibition
18 as described in section 7801, subsection 5;
- 20 (7) Operating a motorboat carrying passengers for hire
21 without a certificate of number as described in section
22 7801, subsection 6;
- 24 (8) Leasing or renting a motorboat without a
25 certificate of number as described in section 7801,
26 subsection 6-A;
- 28 (9) Operating a motorboat carrying passengers for hire
29 without an operator's license to carry passengers for
30 hire as described in section 7801, subsection 7;
- 32 (10) Imprudent operation of a watercraft as described
33 in section 7801, subsection 11-A;
- 35 (11) Operating a motorboat in bathing areas as
36 described in section 7801, subsection 12;
- 38 (12) Operating a motorboat while under age as
39 described in section 7801, subsection 13;
- 41 (13) Operating a watercraft to molest wild animals or
42 wild birds as described in section 7801, subsection 14;
- 44 (14) Operating a motorboat without a muffler as
45 described in section 7801, subsection 15;
- 47 (15) Operating a watercraft without proper safety
48 equipment as described in section 7801, subsection 16;

50

2 (16) Failure to report a watercraft accident as
3 described in section 7801, subsection 19;

4 (17) Illegally operating a motorboat in a prohibited
5 area as described in section 7801, subsection 20;

6 (18) Operating an airmobile upon a public way as
7 described in section 7801, subsection 21;

10 (19) Failure to stop an airmobile before entering a
11 public way as described in section 7801, subsection 22;

12 (20) Failure to yield right-of-way while operating an
13 airmobile as described in section 7801, subsection 23;

14 (21) Operating an airmobile that exceeds the noise
15 limit as described in section 7801, subsection 24;

16 (22) Operating an airmobile on railroad tracks as
17 described in section 7801, subsection 25;

18 (23) Operating an airmobile too close to certain
19 buildings as described in section 7801, subsection 26;

20 (24) Failure to display an excise tax decal as
21 described in section 7801, subsection 28, for which the
22 forfeiture may not be less than \$25 nor more than \$250
23 and must be paid to the municipality where the
24 watercraft is subject to excise tax;

25 (25) Failure to maintain a list or make a list
26 available as described in section 7801, subsection 29,
27 for which that the forfeiture may not be less than \$25
28 nor more than \$250;

29 (26) Failure to comply with additional safety
30 requirements while operating a personal watercraft as
31 described in section 7801, subsection 30;

32 (27) Unlawfully permitting operation of a watercraft
33 as described in section 7801, subsection 31; and

34 (28) Unlawfully operating a watercraft within the
35 water safety zone as described in section 7801,
36 subsection 32;

37 B. Chapter 715, subchapter II violations:

38 (1) Operating an unregistered snowmobile as described
39 in section 7827, subsection 1;

- 2 (2) Operating a snowmobile upon a controlled access
3 highway as described in section 7827, subsection 2;
- 4
- 5 (3) Unlawfully operating a snowmobile on a plowed road
6 as described in section 7827, subsection 3;
- 7
- 8 (4) Operating a snowmobile on a public way as
9 described in section 7827, subsection 4;
- 10
- 11 (5) Unlawfully operating a vehicle on a snowmobile
12 trail as described in section 7827, subsection 4-A;
- 13
- 14 (6) Failure to stop a snowmobile before entering a
15 public way as described in section 7827, subsection 5;
- 16
- 17 (7) Failure to yield the right-of-way while operating
18 a snowmobile as described in section 7827, subsection 6;
- 19
- 20 (8) Crossing a closed bridge, culvert, overpass or
21 underpass with a snowmobile as described in section
22 7827, subsection 7;
- 23
- 24 (9) Unlawfully operating a snowmobile while under age
25 as described in section 7827, subsection 12;
- 26
- 27 (10) Permitting an unaccompanied child to operate a
28 snowmobile as described in section 7827, subsection 13;
- 29
- 30 (11) Operating a snowmobile that exceeds the noise
31 limit as described in section 7827, subsection 14;
- 32
- 33 (12) Unlawfully modifying a snowmobile as described in
34 section 7827, subsection 15;
- 35
- 36 (13) Operating a snowmobile with insufficient lights
37 as described in section 7827, subsection 16;
- 38
- 39 (14) Failure to use snowmobile lights as described in
40 section 7827, subsection 17;
- 41
- 42 (15) Unlawfully operating a snowmobile on railroad
43 tracks as described in section 7827, subsection 18;
- 44
- 45 (16) Operating a snowmobile in a cemetery as described
46 in section 7827, subsection 19;
- 47
- 48 (17) Operating a snowmobile too close to certain
49 buildings as described in section 7827, subsection 20;
- 50

- 2 (18) Unlawfully permitting operation of a snowmobile
as described in section 7827, subsection 21;
- 4 (19) Failure to report an accident as described in
section 7827, subsection 22;
- 6 (20) Unlawful issuance of snowmobile registration as
8 described in section 7827, subsection 24;
- 10 (21) Renting or leasing a snowmobile as described in
section 7827, subsection 26; and
- 12 (22) Renting or leasing a personal watercraft as
14 described in section 7827, subsection 27;
- 16 C. Chapter 715, subchapter IV violations:
- 18 (1) Operating an unregistered ATV as described in
section 7857, subsection 1;
- 20 (2) Failure to display ATV registration numbers as
22 described in section 7857, subsection 1-A;
- 24 (3) Operating an ATV upon a controlled access highway
as described in section 7857, subsection 2;
- 26 (4) Unlawfully operating an ATV on a snowmobile trail
28 as described in section 7857, subsection 3;
- 30 (5) Unlawfully operating an ATV on a private road as
described in section 7857, subsection 4;
- 32 (6) Operating an ATV on a public way as described in
34 section 7857, subsection 5;
- 36 (7) Failure to stop an ATV before entering a public
way as described in section 7857, subsection 6;
- 38 (8) Failure to yield the right-of-way while operating
40 an ATV as described in section 7857, subsection 7;
- 42 (9) Crossing a closed bridge, culvert, overpass or
underpass with an ATV as described in section 7857,
44 subsection 8;
- 46 (10) Operating an ATV while under age as described in
section 7857, subsection 13;
- 48 (11) Operating an ATV without certificate of training
50 as described in section 7857, subsection 13-A;

2 (12) Operating an ATV without protective headgear as
3 described in section 7857, subsection 13-B;

4 (13) Carrying a passenger on an ATV without headgear as
5 described in section 7857, subsection 13-C;

6 (14) Permitting an unaccompanied child to operate an
7 ATV as described in section 7857, subsection 14;

8 (15) Permitting a child under 10 years of age to
9 operate an ATV as described in section 7857, subsection
10 14-A;

11 (16) Operating an ATV without a muffler as described
12 in section 7857, subsection 15;

13 (17) Operating an ATV with insufficient lights as
14 described in section 7857, subsection 16;

15 (18) Failure to use ATV lights as described in section
16 7857, subsection 17;

17 (19) Unlawfully operating an ATV on railroad tracks as
18 described in section 7857, subsection 18;

19 (20) Operating an ATV too close to certain buildings
20 as described in section 7857, subsection 20;

21 (21) Unlawfully permitting operation of ATV as
22 described in section 7857, subsection 21;

23 (22) Failure to report an ATV accident as described in
24 section 7857, subsection 22;

25 (23) Operating an ATV in a prohibited area as
26 described in section 7857, subsection 22-A; and

27 (24) Operating an ATV on cropland or pastureland as
28 described in section 7857, subsection 23.

29 **13. Criminal violations of chapter 715. The following**
30 **violations of chapter 715 are Class D crimes:**

31 A. Reckless operation of watercraft as described in section
32 7801, subsection 8;

33 B. Reckless operation of a snowmobile as described in
34 section 7827, subsection 8; and

2 C. Reckless operation of an all-terrain vehicle as
3 described in section 7857, subsection 9.

4 14. Civil violations of chapter 717. The following
5 violations of chapter 717 are civil violations for which a
6 forfeiture of not less than \$100 nor more than \$500 may be
7 adjudged:

8 A. Possessing a firearm while training dogs as described in
9 section 7863, subsection 1;

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

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

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

16 15. Penalties for hunting or attempting to hunt and
17 operating or attempting to operate a watercraft, snowmobile or
18 all-terrain vehicle while under the influence of intoxicating
19 liquor or drugs. The offenses defined in section 7406,
20 subsection 3; section 7801, subsection 9; section 7827,
21 subsection 9; and section 7857, subsection 10 are Class D
22 crimes. In determining an appropriate sentence, refusal to
23 submit to a chemical test must in every case be an aggravating
24 factor. In the following cases the following minimum penalties
25 apply.

26 A. In the case of a person having no previous convictions
27 of a violation of section 7406, subsection 3; section 7801,
28 subsection 9; section 7827, subsection 9; or section 7857,
29 subsection 10 within the previous 6-year period, the fine
30 may not be less than \$400. If that person was adjudicated
31 within the previous 6-year period for failure to comply with
32 the duty to submit to and complete a blood-alcohol test
33 under section 7408, 7805, 7828 or 7860, the fine may not be
34 less than \$500. A conviction under this paragraph must
35 include a period of incarceration of not less than 48 hours,
36 none of which may be suspended, when the person:

37 (1) Was tested as having a blood-alcohol level of
38 0.15% or more;

39 (2) Failed or refused to stop upon request or signal
40 of an officer in uniform, as defined in section 6953 or
41 7060, during the operation that resulted in prosecution
42 for operating under the influence or with a
43 blood-alcohol level of 0.08% or more; or

2 (3) Failed to submit to a chemical test to determine
3 that person's blood-alcohol level or drug
4 concentration, requested by a law enforcement officer
5 on the occasion that resulted in the conviction.

6
7 B. In the case of a person having one previous conviction
8 of a violation of section 7406, subsection 3; section 7801,
9 subsection 9; section 7827, subsection 9; or section 7857,
10 subsection 10 within the previous 6-year period, the fine
11 may not be less than \$600. If that person was adjudicated
12 within the previous 6-year period for failure to comply with
13 the duty to submit to and complete a blood-alcohol or drug
14 concentration test under section 7408, 7805, 7828 or 7860,
15 the fine may not be less than \$800. A conviction under this
16 paragraph must include a period of incarceration of not less
17 than 7 days, none of which may be suspended.

18
19 C. In the case of a person having 2 or more previous
20 convictions of violations of section 7406, subsection 3;
21 section 7801, subsection 9; section 7827, subsection 9; or
22 section 7857, subsection 10 within the previous 6-year
23 period, the fine may not be less than \$1,000. If that
24 person was adjudicated within the previous 6-year period for
25 failure to comply with the duty to submit to and complete a
26 blood-alcohol or drug concentration test under section 7408,
27 7805, 7828 or 7860, the fine may not be less than \$1,300. A
28 conviction under this paragraph must include a period of
29 incarceration of not less than 30 days, none of which may be
30 suspended.

31
32 D. In addition to the penalties provided under paragraphs A
33 to C, the court may order the defendant to participate in
34 the alcohol and other drug education, evaluation and
35 treatment programs for multiple offenders administered by
36 the Department of Mental Health, Mental Retardation and
37 Substance Abuse Services, Office of Substance Abuse, as
38 established in Title 5, chapter 521.

39
40 E. The penalties provided under paragraphs B, C and D may
41 not be suspended by the court.

42
43 F. If the State pleads and proves that, while hunting or
44 operating a snowmobile, all-terrain vehicle or watercraft in
45 violation of this section, the defendant in fact caused
46 serious bodily injury as defined in Title 17-A, section 2,
47 subsection 23, to another person or in fact caused the death
48 of another person, the sentencing class for the offenses in
49 section 7406, subsection 3; section 7801, subsection 9;
50 section 7827, subsection 9; and section 7857, subsection 10
 are

2 Class C crimes. The minimum penalties specified in this
3 subsection apply, unless a longer minimum period otherwise
4 applies.

5 Any alternatives defined in section 7406, subsection 3; section
6 7801, subsection 9, paragraphs A and B; section 7827, subsection
7 9; and section 7857, subsection 10 may be pleaded in the
8 alternative. The State may, but is not required to, elect prior
9 to submission to the fact finder.

10 For purposes of this subsection, a prior conviction has occurred
11 within the 6-year period if the date of docket entry by the clerk
12 of a judgment of conviction or adjudication is 6 years or less
13 from the date of the new conduct that is penalized or for which
14 the penalty is or may be enhanced.

15 In determining the appropriate sentence, the court shall consider
16 the defendant's record of convictions for hunting or operating a
17 snowmobile, all-terrain vehicle or watercraft while under the
18 influence of intoxicating liquor or drugs and for failure to
19 comply with the duty to submit. The court may rely upon oral
20 representations based on records maintained by the courts, by the
21 Department of Public Safety, State Bureau of Identification; by
22 the Secretary of State, including telecommunications of records
23 maintained by the Secretary of State; or by the Department of
24 Inland Fisheries and Wildlife. If the defendant disputes the
25 accuracy of any representation concerning a conviction or
26 adjudication, the court shall grant a continuance for the
27 purposes of determining the accuracy of the record.

28 References in this Title to this subsection are determined also
29 to refer to the juvenile crime stated in Title 15, section 3103,
30 subsection 1, paragraph E and to the disposition, including a
31 suspension, for that juvenile crime as provided in Title 15,
32 section 3314, subsection 3, except as otherwise provided or when
33 the context clearly requires otherwise.

34 **16. Penalties for failure to comply with duty to submit.**
35 The offenses defined in section 7406, subsection 3-A; section
36 7801, subsection 9-A; section 7827, subsection 9-A and section
37 7857, subsection 10-A are civil violations for which a forfeiture
38 of up to \$500 may be adjudged.

39 **17. Habitual violators.** When an habitual violator, as
40 defined in section 7001, subsection 13-A, is convicted of a crime
41 in chapters 701 to 721 the court shall impose a sentencing
42 alternative involving not less than 3 days imprisonment, none of
43 which may be suspended, and a fine of not less than \$500, none of
44 which may be suspended.

2 18. Rule violations. Violations of rules adopted pursuant
3 to chapters 701 to 721, as set out in this subsection are civil
4 violations for which a forfeiture of not less than \$100 nor more
5 than \$500 may be adjudged:

6 A. A violation of a rule regulating open water fishing and
7 ice fishing, except that a violation of a rule governing the
8 number, amount, size or weight of fish is a Class E crime;

10 B. A violation of a rule regulating state-owned wildlife
11 management areas;

12 C. A violation of a rule regulating scientific collection
13 permits;

14 D. A violation of a rule regulating snowmobiles;

15 E. A violation of a rule regulating the protection and
16 safety of spectators at snowmobile races;

17 F. A violation of a rule regulating all-terrain vehicles;

18 G. A violation of a rule regulating watercraft, including:

19 (1) Violation of rules adopted pursuant to section
20 7792, subsection 2 concerning:

21 (a) Operation of watercraft without lights;

22 (b) Towing of a water-skier without an observer;
23 and

24 (c) Violating the water safety zone; and

25 (2) Violation of rules adopted pursuant to section
26 7792, subsection 3 concerning inadequate personal
27 flotation devices;

28 H. A violation of a rule regulating commercial whitewater
29 rafting, except that a violation of a rule establishing
30 safety restrictions for whitewater trips adopted pursuant to
31 section 7367, subsection 1 is a Class E crime;

32 I. A violation of a rule regulating state game farms;

33 J. A violation of a rule regulating the operation of motor
34 vehicles on public water supplies;

35 K. A violation of a rule regulating taxidermy;

2 L. A violation of a rule regulating hunting and fishing
license agents;

4 M. A violation of a rule regulating camp trip leader
permits and course instructor certificates; and

6 N. A violation of a rule regulating licensed guides.

8 **Sec. B-90. 12 MRSA §7910, sub-§1, ¶A**, as amended by PL 1989,
10 c. 918, Pt. D, §13 and affected by §20, is further amended to
read:

12 A. All fees, fines, penalties, officers' costs and all
14 other money received, collected or recovered by the court or
the department under any provisions of chapters 701 to 721,
16 except section 7109; sections 7361 to ~~7370~~-A 7370; sections
7751 to 7756; section 7800, subsection 3; section 7824,
18 subsection 3; and section 7854, subsection 4;

20 **Sec. B-91. 24-A MRSA §2168, sub-§3**, as amended by PL 1973, c.
585, §12, is further amended to read:

22 **3. Violation.** Any ~~A person violating who violates~~ this
24 section ~~shall be punished by a fine of not more than \$100 or by~~
~~imprisonment of not more than 60 days, or by both; and if he~~
26 ~~holds a license from the superintendent, he shall forfeit the~~
same commits a civil violation and is subject to civil penalties
28 and other remedies as provided in section 12-A. The Superior
Court, on complaint by any person that this section is being
30 violated, may issue an injunction against ~~such the~~ violation and
may hold in contempt and punish therefor in case of disregard of
32 ~~such the~~ injunction.

34 **Sec. B-92. 24-A MRSA §4138, first ¶**, as enacted by PL 1969, c.
132, §1, is amended to read:

36 ~~Ne~~ A person ~~shall~~ may not cause or permit to be made, issued
38 or circulated in any form:

40 **Sec. B-93. 24-A MRSA §4138, last ¶**, amended by PL 1991, c. 797,
§10, is further amended to read:

42 Any A person who violates any provision of this section or
44 knowingly receives any compensation or commission by or in
consequence of such violation commits a ~~Class-E crime and is in~~
46 civil violation and is subject to civil penalties and other
remedies as provided in section 12-A. In addition, the person is
48 liable for a civil penalty in the amount of 3 times the sum
received by such violator as compensation or commission, which
50 penalty may be sued for and recovered by any person or society
aggrieved for that person's or society's own use and benefit in
52 accordance with the provisions of civil practice.

2 **Sec. B-94. 32 MRSA §228**, as amended by PL 1983, c. 413, §12
4 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further
amended to read:

6 **§228. Penalties**

8 ~~Violation of~~ A person who violates any provision of this
chapter ~~shall be a Class E crime punishable by a fine for which a~~
10 ~~penalty has not been prescribed commits a civil violation for~~
~~which a forfeiture of not less than \$100 nor more than \$500, or~~
12 ~~by imprisonment for not more than 3 months, or by both \$1,000 may~~
~~be adjudged.~~

14 The State may bring an action in Superior Court to enjoin
16 any person from violating this chapter, regardless of whether
~~other administrative, civil or criminal proceedings have been or~~
18 ~~may be instituted in the District Court or whether criminal~~
~~proceedings have been or may be instituted.~~

20 **Sec. B-95. 32 MRSA §1094**, as amended by PL 1993, c. 600, Pt.
22 A, §77, is further amended to read:

24 **§1094. Penalties**

26 A person who violates a provision of this chapter, for the
violation of which a penalty has not been prescribed, commits a
28 ~~Glass-E-crime~~ civil violation for which a forfeiture of not more
~~than \$1,000 may be adjudged. The several prosecuting officers of~~
30 ~~this State, on notice from a member of the board, shall institute~~
~~prosecutions for offenses under this chapter.~~

32 **Sec. B-96. 32 MRSA §1256**, as amended by PL 1995, c. 355, §4
34 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further
amended to read:

36 **§1256. Violations; penalties; injunction**

38 A person who practices or offers to practice the profession
40 of engineering in this State without being registered or exempted
in accordance with this chapter, or a person presenting or
42 attempting to use the certificate of registration or the seal of
another, or a person who gives a false or forged evidence of any
44 kind to the board or to a member of the board in obtaining a
certificate of registration, or a person who falsely
46 impersonates any other registrant of like or different name, or a
person who attempts to use an expired or revoked certificate of
48 registration, or a person who violates any of the provisions of
this chapter for which a penalty has not been prescribed commits
50 a ~~Glass-E-crime~~ civil violation for which a forfeiture of not
more than \$1,000 may be adjudged.

2 The State may bring an action in Superior Court to enjoin a
3 person from violating this chapter, regardless of whether other
4 administrative, civil or criminal proceedings have been or may be
5 instituted ~~in the District Court or whether criminal proceedings~~
6 ~~have been or may be instituted.~~

7 ~~It is the duty of all duly constituted officers of the law~~
8 ~~of this State or any political subdivision of this State to~~
9 ~~enforce this chapter and to prosecute any persons violating the~~
10 ~~provisions of this chapter. The Attorney General or a designated~~
11 ~~assistant shall act as legal adviser of the board and render such~~
12 ~~legal assistance as may be necessary in carrying out this chapter.~~

13 **Sec. B-97. 32 MRSA §1660-E**, as repealed and replaced by PL
14 1983, c. 413, §86 and as amended by PL 1999, c. 547, Pt. B, §78
15 and affected by §80, is further amended to read:

16 **§1660-E. Violations**

17 Any A person who violates any provision of this chapter or
18 any of the rules of the board is guilty of a Class E crime for
19 which a penalty has not been prescribed commits a civil violation
20 for which a forfeiture of not more than \$1,000 may be adjudged.

21 The State may bring an action in Superior Court to enjoin
22 any person from violating this chapter, regardless of whether
23 other administrative, civil or criminal proceedings have been or
24 may be instituted ~~in the District Court or whether criminal~~
25 ~~proceedings have been or may be instituted.~~

26 **Sec. B-98. 32 MRSA §2106**, as amended by PL 1993, c. 600, Pt.
27 A, §117, is further amended to read:

28 **§2106. Criminal violations; penalties**

29 It is a crime for any person, including a corporation, or
30 association or individual, to:

31 **1. Fraudulent diploma or record.** Sell or fraudulently
32 obtain or furnish a nursing diploma, license, renewal or record
33 or provide aid in doing so;

34 **2. Fraudulent license.** Practice nursing as defined by this
35 chapter under cover of a diploma, license or record illegally or
36 fraudulently obtained or signed or issued unlawfully or under
37 fraudulent representation;

38 **3. Practice without license.** Practice professional nursing
39 or practical nursing as defined by this chapter unless licensed
40 to do so;

2 **4. Implying license.** Use in connection with the person's
name a designation tending to imply that the person is a licensed
4 registered nurse or a licensed practical nurse unless so licensed
under this chapter;

6 **5. License suspended or revoked.** Practice professional
8 nursing or practical nursing during the time the person's license
issued under this chapter is suspended or revoked; or

10 ~~**6. Violation of chapter.**~~ ~~Otherwise violate provisions of~~
12 ~~this chapter.~~

14 A person who violates this section commits a Class E crime.

16 The District Court has original and concurrent jurisdiction
with the Superior Court over all prosecutions for violation of
18 this chapter. All fines and forfeitures collected under this
chapter must accrue to the county where the offense is
20 prosecuted. It is necessary to prove in a prosecution or hearing
under this section only a single act prohibited by law or a
22 single holding out or an attempt without proving a general course
of conduct in order to constitute a violation. These crimes are
24 prosecuted by the district attorney.

26 **Sec. B-99. 32 MRSA §2106-A** is enacted to read:

28 **§2106-A. Civil violations; penalties**

30 A person who violates any provision of this chapter for which
32 a penalty is not prescribed commits a civil violation for which a
forfeiture of not more than \$1,000 may be adjudged.

34 **Sec. B-100. 32 MRSA §4919**, as repealed and replaced by PL
1983, c. 413, §185 and amended by PL 1999, c. 547, Pt. B, §78 and
36 affected by §80, is further amended to read:

38 **§4919. Penalties; injunction**

40 A person who violates any of the provisions of this chapter
42 is-guilty-of-a-Class-E-crime for which a penalty has not been
prescribed commits a civil violation for which a forfeiture of
44 not more than \$1,000 may be adjudged.

46 The State may bring an action in Superior Court to enjoin
any person from violating this chapter, regardless of whether
48 other administrative, civil or criminal proceedings have been or
may be instituted ~~in the District Court or whether criminal~~
50 ~~proceedings have been or may be instituted.~~

2 **Sec. B-101. 32 MRSA §6031**, as repealed and replaced by PL
1983, c. 413, §209 and amended by PL 1999, c. 547, Pt. B, §78 and
4 affected by §80, is further amended to read:

6 **§6031. Penalty**

8 Every ~~A~~ person ~~found-guilty-of-violating-a~~ who violates any
provision of this chapter ~~is-guilty-of-a-Class-E-crime for which~~
10 a penalty has not been prescribed commits a civil violation for
which a forfeiture of not more than \$1,000 may be adjudged.

12 The State may bring an action in Superior Court to enjoin
any person from violating this chapter, regardless of whether
14 ~~other administrative, civil or criminal~~ proceedings have been or
may be instituted ~~in--the-District-Court--or--whether--criminal~~
16 ~~proceedings-have-been-or-may-be-instituted.~~

18 **Sec. B-102. 32 MRSA §13005**, as enacted by PL 1987, c. 395,
Pt. A, §212 and amended by PL 1999, c. 547, Pt. B, §78 and
20 affected by §80, is further amended to read:

22 **§13005. Penalties**

24 Any ~~A~~ person or entity ~~violating who violates any provision~~
~~of this chapter shall-be-punished--upon-conviction--by-a-fine-of~~
26 commits a civil violation for which a forfeiture of not more than
\$2,000 for each violation may be adjudged, plus the amount of
28 compensation received in the subject transaction, ~~by-imprisonment~~
~~for-not-more-than-6-months--or-by-beth.~~ Any officer or agent of
30 an entity, who shall personally ~~partieipate~~ participates in or be
is accessory to ~~any a~~ violation of this chapter, ~~--shall-be is~~
32 subject to the penalties prescribed under this section. Any
court of competent jurisdiction ~~shall-have~~ has full power to try
34 any violation of this chapter and, upon conviction, the court may
at its discretion revoke or suspend the license of the person or
36 entity so convicted. All fines and penalties over and above the
cost of court proceedings ~~shall~~ inure to the commission. A
38 violation of this chapter includes performing or attempting to
perform those acts ~~which~~ that constitute prohibited practices.

40 The State may bring an action in Superior Court to enjoin
42 any person from violating this chapter, regardless of whether
~~other administrative, civil or criminal~~ proceedings have been or
44 may be instituted ~~in--District--Court--or--whether--criminal~~
~~proceedings-may-have-been-instituted.~~

46 **Sec. B-103. 32 MRSA §13854, sub-§1**, as amended by PL 1989, c.
48 895, §7, is further amended to read:

1. **Licensing.** Effective October 1, 1992, ~~no~~ a person may not, unless specifically exempted by this chapter, profess to be a clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor or conditional license holder unless licensed in accordance with this chapter.

Sec. B-104. 32 MRSA §13854, sub-§3, as enacted by PL 1989, c. 465, §3 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

3. Violation; injunction. Any a person who violates any provision of this chapter is-guilty-of-a-Class-E-crime for which a penalty is not specifically provided commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in-the-District-Court-or-whether-criminal-proceedings have-been-or-may-be-instituted.~~

Sec. B-105. 32 MRSA §14006, as enacted by PL 1999, c. 185, §5 and amended by c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§14006. Violation; injunction

A person who violates any provision of this chapter for which a penalty has not been prescribed commits a ~~Class-E-crime~~ civil violation for which a forfeiture of not more than \$1,000 may be adjudged. The State may bring action in Superior Court to enjoin a person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in-the-District-Court-or-whether-criminal-proceedings have-been-or-may-be-instituted.~~

Sec. B-106. 32 MRSA §14309, as enacted by PL 1991, c. 403, §1 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§14309. Penalty; injunction

Any A person who violates any provision of this chapter for which a penalty has not been prescribed commits a ~~Class-E-crime~~ civil violation for which a forfeiture of not more than \$1,000 may be adjudged. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in-the-District-Court-or-whether criminal-proceedings-have-been-or-may-be-instituted.~~

2

SUMMARY

4

6 This bill is the legislative recommendations of the
Committee to Study the Further Decriminalization of the Criminal
Laws of Maine, created by 1999 Joint Order H.P. 1914.

8

10 This bill creates general statutes applicable to all civil
violations. These include:

12 1. A 3-year statute of limitations for bringing a
prosecution for a civil violation;

14

16 2. Specifically providing the district attorneys with the
responsibility for prosecuting civil violations;

18 3. Providing for restitution as a possible result of a
civil violation; and

20

22 4. Establishing general authority for each department and
agency to suspend or revoke licenses, permits and certifications
issued by the department or agency based on a crime or civil
violation.

24

26 This bill also revises many offenses that are currently
crimes, and makes them civil violations. These offenses are
28 within the jurisdictions of the Department of Marine Resources,
the Department of Inland Fisheries and Wildlife, the Department
30 of Professional and Financial Regulation and the Department of
Agriculture, Food and Rural Resources.