

MAINE STATE LEGISLATURE

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DATE: 5-19-03

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1059, L.D. 1447, Bill, "An Act To Improve Enforcement of the State's Natural Resource Protection, Timber Theft and Trespass Laws"

Amend the bill by inserting after section 1 the following:

Sec. 2. 4 MRSA §807, sub-§3, ¶L, as amended by PL 1999, c. 139, §2, is further amended to read:

L. A person who is not an attorney, but who is representing the Department of Agriculture, Food and Rural Resources in accordance with Title 7, section 3909, subsection 2; or

Sec. 3. 4 MRSA §807, sub-§3, ¶M, as enacted by PL 1999, c. 139, §3, is amended to read:

M. A law enforcement officer, as defined in Title 29-A, section 101, subsection 30, who is not an attorney but who is representing the State in the prosecution of a traffic infraction, as defined in Title 29-A, section 101, subsection 85, when representation in that matter has been approved by the prosecuting attorney; or

Sec. 4. 4 MRSA §807, sub-§3, ¶N is enacted to read:

N. A forest ranger appointed under Title 12, section 8901, who is not an attorney but who is representing the Department of Conservation, Bureau of Forestry in the prosecution of civil violations in accordance with Title 12, section 8003, subsection 3, paragraph R.

R. 018

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Sec. 5. 10 MRSA §2364-B, sub-§6 is enacted to read:

6. Presentation of trip ticket to forest ranger. Upon request, a truck driver shall present a copy of the trip ticket to a forest ranger. Upon request, a wood scaler shall present the record of measurement including a copy of the trip ticket or information contained on the trip ticket to a forest ranger. A forest ranger may request and use this information for the purpose of enforcing and investigating alleged violations of Title 12, section 8883; Title 14, section 7552; and Title 17, section 2510. For purposes of this subsection, "forest ranger" means a person employed by the Department of Conservation, Bureau of Forestry under Title 12, section 8901. A truck driver or wood scaler who fails to comply with the provisions of this subsection is subject to the penalties provided in section 2368.'

Further amend the bill in section 2 by striking out all of paragraph R and inserting in its place the following:

'R. The director of the bureau may authorize certified employees of the bureau to serve civil process and represent the bureau in District Court in the prosecution of civil violations of chapter 805, subchapter 5; Title 14, section 7552; and Title 17, sections 2510 and 3853-D. Certification of these employees must be as provided under Title 30-A, section 4453.'

Further amend the bill in section 5 in subsection 6 in the last line (page 1, line 37 in L.D.) by striking out the following: "sections 8612 and" and inserting in its place the following: 'section'

Further amend the bill by inserting after section 5 the following:

'Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

State Planning Office

Initiative: Provides funds for developing new exams, training expenses, printing and postage.

General Fund	2003-04	2004-05
All Other	\$12,000	\$3,000
General Fund Total	\$12,000	\$3,000'

2 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
4 consecutively.

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8 **SUMMARY**

10 This amendment specifies certain civil violations that
forest rangers will be authorized to process. It also requires a
12 trucker or wood scaler to present a trip ticket or record of
measurement to a forest ranger upon request. It allows the
14 Director of the Bureau of Forestry within the Department of
Conservation to authorize forest rangers to be certified to
16 represent the bureau in District Court for civil violations of
forest notification and reporting requirements, civil trespass
18 violations and unlawful cutting violations. The amendment
corrects an omission in the bill allowing certified forest
20 rangers to represent the Department of Conservation in court for
specific violations.

22 **FISCAL NOTE REQUIRED**
24 **(See attached)**

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1447

**An Act to Improve Enforcement of the State's Natural Resource
Protection, Timber Theft and Trespass Laws**

LR 1959(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
General Fund	\$12,000	\$3,000	\$3,000	\$3,000
Appropriations/Allocations				
General Fund	\$12,000	\$3,000	\$3,000	\$3,000

Fiscal Detail and Notes

This bill will require General Fund appropriations of \$12,000 in fiscal year 2003-04 and \$3,000 annually thereafter to the State Planning Office for developing new exams, training expenses, printing and postage. This appropriation is required to implement the certification of a maximum of six Bureau of Forestry employees.