

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1238, L.D. 1662, Bill, "An Act To Strengthen the Prohibition against Night Hunting"

Amend the amendment by inserting after section 1 the following:

'Sec. 2. 12 MRSA §10902, sub-§7-A is enacted to read:

7-A. Hunting with night vision equipment. A hunting license of a person convicted of night hunting in violation of section 11206, subsection 1 and found to have been in possession of night vision equipment at the time of the offense must be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction.'

Further amend the amendment in section 2 in that part designated "§11206." in subsection 2 in paragraph B in the 4th line (page 3, line 19 in amendment) by striking out the following: "6" and inserting in its place the following: '3'

Further amend the amendment in section 2 in that part designated "§11206." in subsection 2 in paragraph B in the 5th and 6th lines (page 3, lines 20 and 21 in amendment) by striking out the following: ", and of not less than 20 days for each succeeding offense, not of which may be suspended"

Further amend the amendment in section 2 in that part designated "§11206." in subsection 2 in paragraph B by striking out the last blocked paragraph (page 3, lines 25 to 27 in amendment) and inserting in its place the following:

'C. A person who violates subsection 1, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under Title 12, Part 13

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1238,
L.D. 1662

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commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than \$2,000, none of which may be suspended.

For purposes of this subsection, "night vision equipment" means a light amplification or thermal imaging device.'

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

SUMMARY

This amendment provides that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended. The court shall also impose a fine of not less than \$2,000, none of which may be suspended. The amendment also provides that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife laws commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$2,000, none of which may be suspended.

The amendment also provides that a hunting license of a person who is guilty of night hunting and found to have been in possession of night vision equipment at the time of the offense must be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction.

The amendment changes the definition of "night vision equipment."

SPONSORED BY: 
(Representative DUNLAP)

TOWN: Old Town

HOUSE AMENDMENT