

MAINE STATE LEGISLATURE

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INLAND FISHERIES AND WILDLIFE

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 603, L.D. 1787, Bill, "An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws"

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 12 MRSA §10609 is enacted to read:

§10609. Restitution for scientific testing

The department may seek restitution for scientific testing investigation expenses in accordance with Title 17-A, section 2002 for all crimes investigated under this Part.'

Amend the bill in section 2 in §10652 by striking out all of subsection 2 (page 2, lines 29 and 30 in L.D.) and inserting the following:

'2. **Penalty.** A person who violates this section commits a Class E crime.'

Amend the bill by striking out all of section 3.

Amend the bill by inserting after section 10 the following:

'Sec. 11. 12 MRSA c. 915, sub-c. 9-A is enacted to read:

SUBCHAPTER 9-A

UPLAND GAME HUNTING

§11871. Unlawful possession of upland game

1. Daily bag limit. A person may not take more than the daily bag limit of an upland game species, as defined by the commissioner by rule, during any open season on that upland game species as established by the commissioner.

2. Possession limit. A person may not possess more than the possession limit of an upland game species taken during any open season on that upland game species as established by the commissioner.

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1 **3. Penalty.** A person who violates this section commits a Class E crime for which a
2 fine of not less than \$200 plus \$50 for each upland game species taken in violation may
3 be adjudged.'

4 Amend the bill by striking out all of sections 21 to 23 and inserting the following:

5 **'Sec. 21. 17-A MRSA §1105-A, sub-§1, ¶E-1** is enacted to read:

6 E-1. At the time of the offense, the person is on property designated, by the
7 Department of Inland Fisheries and Wildlife in rules adopted pursuant to Title 12,
8 sections 12453 and 12454, as open to fishing for only persons under 16 years of age
9 or persons holding a complimentary fishing license under Title 12, section 10853 and
10 the drug is:

11 (1) A schedule W drug. Violation of this subparagraph is a Class A crime;

12 (2) Marijuana in a quantity of 20 pounds or more. Violation of this subparagraph
13 is a Class A crime;

14 (3) A schedule X drug. Violation of this subparagraph is a Class B crime;

15 (4) Marijuana in a quantity of more than one pound. Violation of this
16 subparagraph is a Class B crime;

17 (5) A schedule Y drug. Violation of this subparagraph is a Class C crime; or

18 (6) A schedule Z drug. Violation of this subparagraph is a Class C crime;

19 **Sec. 22. 17-A MRSA §2002, sub-§3,** as enacted by PL 2019, c. 113, Pt. A, §2, is
20 amended to read:

21 **3. Economic loss.** "Economic loss" includes economic detriment consisting of
22 environmental clean-up expense, property loss, allowable expense, work loss,
23 replacement services loss and, if injury causes death, dependent's economic loss and
24 dependent's replacement services loss. Noneconomic detriment is not loss. Economic
25 detriment is loss although caused by pain and suffering or physical impairment.
26 "Economic loss" includes expenses of an emergency response by any public agency and
27 critical investigation expenses and scientific testing investigation expenses.

28 A. "Allowable expense" means reasonable charges incurred for reasonably needed
29 products, services and accommodations, including those for medical care,
30 rehabilitation, rehabilitative occupational training, counseling services and other
31 remedial treatment and care, and nonmedical remedial care and treatment rendered in
32 accordance with a recognized religious method of healing. The term includes
33 reasonable and customary charges incurred for expenses in any way related to
34 funeral, cremation and burial. It does not include that portion of a charge for a room
35 in a hospital, clinic, convalescent or nursing home, or any other institution engaged in
36 providing nursing care and related services, in excess of a reasonable and customary
37 charge for semiprivate accommodations, unless other accommodations are medically
38 required.

39 B. "Critical investigation expense" means a necessary expense incurred by a
40 government or by a victim while investigating or prosecuting suspected criminal

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- 1 conduct. "Critical investigation expense" is limited to the cost of an audit or other
- 2 financial analysis when that analysis is necessary to determine whether and to what
- 3 extent a victim has suffered financial harm from criminal conduct by an employee or
- 4 other person in a position of trust and the cost of analysis of suspected illegal drugs.

- 5 C. "Dependent's economic loss" means loss after a decedent's death of contributions
- 6 of things of economic value to the decedent's dependents, not including services they
- 7 would have received from the decedent if the decedent had not suffered the fatal
- 8 injury, less expenses of the dependents avoided by reason of decedent's death.

- 9 D. "Dependent's replacement loss" means loss reasonably incurred by dependents
- 10 after a decedent's death in obtaining ordinary and necessary services in lieu of those
- 11 the decedent would have performed for their benefit if the decedent had not suffered
- 12 the fatal injury, less expenses of the dependents avoided by reason of the decedent's
- 13 death and not subtracted in calculating dependent's economic loss.

- 14 E. "Environmental clean-up expense" means any reasonable expense incurred for
- 15 products and services needed to clean up any harm or damage caused to the
- 16 environment, including any harm or damage caused by chemicals; to restore the
- 17 environment to its previous condition prior to any harm or damage; and to properly
- 18 dispose of chemicals and other materials, including those used in the manufacture of
- 19 scheduled drugs in violation of chapter 45.

- 20 F. "Expense of an emergency response" means reasonable costs incurred by a public
- 21 agency in reasonably making an appropriate emergency response to the incident,
- 22 including a response to a suspected unlawful methamphetamine laboratory under
- 23 section 1124, but only includes those costs directly arising because of the response to
- 24 the particular incident. Reasonable costs include the costs of providing police,
- 25 firefighting, rescue and emergency medical services at the scene of the incident, as
- 26 well as the compensation for the personnel, including trained laboratory personnel,
- 27 responding to the incident. "Public agency" means the State or any county,
- 28 municipality, district or public authority located, in whole or in part, within this State
- 29 that provides or may provide laboratory services or police, firefighting, ambulance or
- 30 other emergency services.

- 31 G. "Property loss" means the value of property taken from the victim, or of property
- 32 destroyed or otherwise broken or harmed. A property loss includes the value of taxes
- 33 or other obligations due to the government that have not been paid. "Property loss"
- 34 also includes, in cases involving a violation of chapter 45, the value of money or
- 35 other consideration given or offered in exchange for scheduled drugs by a law
- 36 enforcement officer or another at the direction of a law enforcement officer that are
- 37 not, in fact, recovered by the State at the time of sentencing, regardless of whether
- 38 other money or items of value are sought, acquired or forfeited pursuant to Title 15,
- 39 chapter 517. In cases involving a violation of chapter 45, the court must make a
- 40 finding that the property loss is specifically related to that case.

- 41 H. "Replacement services loss" means expenses reasonably incurred in obtaining
- 42 ordinary and necessary services in lieu of those the injured person would have
- 43 performed, not for income but for the benefit of the injured person or the injured
- 44 person's family, if the injured person had not been injured.

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1787

LR 2355(02)

An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (5-315)

Committee: Inland Fisheries and Wildlife

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Establishes new Class A, B, and C crimes; increases correctional and judicial costs.

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Department of Inland Fisheries and Wildlife as a result of changes to laws regarding inland fisheries and wildlife enforcement are anticipated to be minor and can be absorbed within existing budgeted resources.