

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 657

H.P. 484

House of Representatives, March 3, 2021

An Act To Clarify the Law Enforcement Powers of the Bureau of Parks and Lands

Received by the Clerk of the House on March 1, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SKOLFIELD of Weld.
Cosponsored by Senator BLACK of Franklin and
Representatives: FAY of Raymond, KINNEY of Knox, LANDRY of Farmington, PICKETT
of Dixfield, TUELL of East Machias, Senators: DAVIS of Piscataquis, FARRIN of Somerset.

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

2 **Sec. 1. 12 MRSA §1806**, as amended by PL 2009, c. 211, Pt. B, §3; PL 2011, c.
3 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

4 **§1806. Enforcement**

5 The bureau ~~may~~ shall coordinate and exercise law enforcement power over the land
6 and water within the bureau's jurisdiction. The provisions in this section apply to law
7 enforcement within the jurisdiction of the bureau.

8 **1. Powers of law enforcement officers.** A law enforcement officer may issue a
9 written summons to any person the officer has probable cause to believe has committed or
10 is committing a bureau rule violation, a civil violation or a crime. Any law enforcement
11 officer may detain or arrest, with or without a warrant, any person the officer has probable
12 cause to believe has committed or is committing a crime.

13 **2. Powers of bureau staff or agents.** The director may authorize an employee or
14 agent of the bureau to issue a written summons to any person who the employee or agent
15 has probable cause to believe has committed or is committing a civil violation or a crime.
16 The director may authorize an employee or agent of the bureau authorized under subsection
17 2-A, the to detain or arrest any person who the employee or agent has probable cause to
18 believe has committed or is committing a crime. The director shall notify the joint standing
19 committee of the Legislature having jurisdiction over parks and public lands matters in
20 writing prior to adopting a policy that authorizes employees or agents of the bureau to make
21 arrests.

22 **2-A. Park rangers with law enforcement powers.** The director may appoint park
23 rangers with law enforcement powers to provide staffing determined to be necessary under
24 section 1804, subsection 7. Each park ranger appointed under this subsection must meet
25 the training requirements of Title 25, section 2803-A, subsection 8-E.

26 **3. Civil violations.** Except for violations of section 1880 or rules adopted to
27 implement section 1880, a person who violates a rule adopted by the bureau under this
28 chapter commits a civil violation for which a forfeiture of not more than \$500 may be
29 adjudged.

30 **4. Criminal offenses.** In addition to offenses designated as crimes elsewhere in
31 statute, a person commits a Class E crime if while within the jurisdiction of the bureau the
32 person in fact:

33 A. Removes, molests, injures or damages anything natural, material, prehistoric or
34 historic, except as authorized by the bureau or allowed by laws and rules relating to
35 hunting, fishing and trapping;

36 B. Removes, mutilates, defaces, or destroys a notice or rule posted by the bureau or a
37 lawfully erected monument or marker;

38 C. Mutilates, defaces, destroys, moves off station or sinks any buoy, beacon or marking
39 device placed by the State either floating on the waters of the State or permanently
40 fixed to land or a structure adjacent to the waters of the State;

41 D. Moors or in any manner fastens a vessel, boat, scow or raft to any buoy or beacon
42 placed by the State in any waters of this State or to any permanent structure placed by

- 1 the State in any waters of this State except for a dock, wharf or other structure placed
- 2 for that purpose;
- 3 E. Possesses a loaded weapon in violation of park rules or in areas closed to hunting
- 4 by rule, law or ordinance;
- 5 F. Discharges any firearm, bow and arrow, weapon powered by carbon dioxide
- 6 cartridges or other weapon within 300 feet of any picnic area, designated camping area,
- 7 parking area, building, shelter or boat launching site or in violation of park rules or in
- 8 areas closed to hunting by rule, law or ordinance;
- 9 G. Commits unauthorized access by motorized vehicle, boat or aircraft in violation of
- 10 bureau rules;
- 11 H. Violates the requirements for a youth camp trip leader permit issued under section
- 12 12860; or
- 13 I. Enters land or waters to which access has been restricted under section 1804.

14 **Sec. 2. 25 MRSA §2801-B, sub-§1, ¶B**, as repealed and replaced by PL 2001, c.
 15 710, §11 and affected by §12 and amended by PL 2011, c. 657, Pt. W, §§5 and 7 and PL
 16 2013, c. 405, Pt. A, §24, is repealed.

17 **Sec. 3. 25 MRSA §2801-B, sub-§1, ¶B-1** is enacted to read:

18 B-1. A park ranger appointed under Title 12, section 1806, subsection 2-A;

19 **Sec. 4. 25 MRSA §2803-A, sub-§8-E** is enacted to read:

20 **8-E. Training of park rangers.** To establish certification standards and a training
 21 program for park rangers appointed under Title 12, section 1806, subsection 2-A. This
 22 program must include:

- 23 A. Preservice law enforcement training under section 2804-B;
- 24 B. An additional basic park ranger training program developed by the Director of the
- 25 Bureau of Parks and Lands within the Department of Agriculture, Conservation and
- 26 Forestry and approved by the board that is specific to the duties of a park ranger;
- 27 C. In-service law enforcement training that is specifically approved by the board as
- 28 prescribed in section 2804-E; and
- 29 D. A firearms training program equivalent to a firearms training program of a full-time
- 30 law enforcement officer trained at the Maine Criminal Justice Academy that is
- 31 developed and approved by the board;

32 **SUMMARY**

33 This bill requires, rather than authorizes as under current law, the Bureau of Parks and
 34 Lands within the Department of Agriculture, Conservation and Forestry to coordinate and
 35 exercise law enforcement power within the bureau's jurisdiction. The bill authorizes the
 36 director of the bureau to appoint park rangers with law enforcement powers.

37 The bill directs the Board of Trustees of the Maine Criminal Justice Academy to
 38 establish certification standards and a training program for park rangers.