

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1604

H.P. 1193

House of Representatives, April 27, 2021

**An Act To Reclassify Certain Offenses under the Inland Fisheries
and Wildlife Laws and Motor Vehicle Laws and Increase the
Efficiency of the Criminal Justice System**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Hallowell.

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

2 **PART A**

3 **Sec. A-1. 12 MRSA §10605, sub-§1**, as affected by PL 2003, c. 614, §9 and
4 amended by c. 655, Pt. B, §64 and affected by §422, is further amended to read:

5 **1. Habitual violator defined.** For purposes of this section, "habitual violator" means
6 a person whose record, as maintained by the department, shows that:

7 A. The person has been convicted of 3 or more criminal violations under this Part, 3
8 or more civil violations under this Part or 3 or more violations under this Part of which
9 at least one is a criminal violation and at least one is a civil violation within the previous
10 5-year period, except that, whenever more than one criminal violation is or more than
11 one civil violation or multiple violations of which at least one is a criminal violation
12 and at least one is a civil violation are committed at the same time, multiple convictions
13 are deemed to be one offense; ~~or.~~

14 ~~B. The person has been adjudicated as having committed 3 or more civil violations~~
15 ~~under this Part and convicted of 2 or more Class E crimes as a result of such prior~~
16 ~~adjudications within the previous 5-year period.~~

17 **Sec. A-2. 12 MRSA §11109, sub-§1**, as amended by PL 2015, c. 281, Pt. A, §4, is
18 further amended to read:

19 **1. License required.** Except as otherwise authorized pursuant to this Part, a person
20 may not engage in an activity for which a license may be issued under this section unless
21 that person has a valid license issued under this section. An electronic license or permit
22 fulfills the requirement under this subsection that a person must have a physical paper
23 license or permit if the electronic license or permit can be displayed upon request to a game
24 warden or other law enforcement officer, an employee of the department, a registered
25 Maine guide or the owner of the land on which the licensed activity is taking place. ~~Each~~
26 Except as otherwise provided in this section, each day a person violates this subsection that
27 person commits a Class E crime for which a minimum fine of \$50 and an amount equal to
28 twice the applicable license fee must be imposed.

29 **Sec. A-3. 12 MRSA §11109, sub-§3, ¶A**, as amended by PL 2017, c. 164, §8, is
30 further amended to read:

31 A. A resident junior hunting license, for a person under 16 years of age, is \$8 and
32 permits hunting of all legal species, subject to the permit requirements in subchapter 3.
33 Notwithstanding the permit fees established in subchapter 3, a resident junior hunting
34 license includes all permits, stamps and other permissions needed to hunt at no
35 additional cost. A license holder under this paragraph who qualifies to hunt during the
36 special season on deer under section 11153 and who meets the eligibility requirements
37 of section 11106 must have included in that person's license one antlerless deer permit
38 and one either-sex permit. A resident junior hunting license does not exempt the holder
39 of the license from lottery-related application requirements under this Part. A resident
40 under 16 years of age who hunts without a resident junior hunting license commits a
41 civil violation punishable by a fine of \$50 for each day of violation.

42 **Sec. A-4. 12 MRSA §11109, sub-§3, ¶F**, as amended by PL 2019, c. 501, §8, is
43 further amended to read:

1 F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and
2 permits hunting of all legal species, subject to the permit requirements in subchapter 3.
3 Notwithstanding the permit fees established in subchapter 3, a nonresident junior
4 hunting license includes all permits, stamps and other permissions needed to hunt at no
5 additional cost. A license holder under this paragraph who qualifies to hunt during the
6 special season on deer under section 11153 and who meets the eligibility requirements
7 of section 11106 must have included in that person's license one antlerless deer permit
8 and one either-sex permit. A nonresident junior hunting license does not exempt the
9 holder of the license from lottery-related application requirements under this Part. A
10 nonresident under 16 years of age who hunts without a nonresident junior hunting
11 license commits a civil violation punishable by a fine of \$70 for each day of violation.

12 **Sec. A-5. 12 MRSA §11159, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and
13 affected by c. 614, §9, is amended to read:

14 **1. Permit required.** Except as otherwise authorized in this Part, a person may not
15 engage in the practice of falconry unless that person has a valid permit issued under this
16 section. Each day a person violates this subsection that person commits a ~~Class E crime~~
17 civil violation for which a ~~minimum~~ fine of \$50 and an amount equal to twice the applicable
18 license fee ~~must~~ may be imposed.

19 **Sec. A-6. 12 MRSA §11214, sub-§1, ¶F**, as enacted by PL 2003, c. 414, Pt. A, §2
20 and affected by c. 614, §9, is amended to read:

21 F. Hunt migratory game birds with a shotgun of any description originally capable of
22 holding more than 3 shells, unless the shotgun's magazine has been cut off, altered or
23 plugged with a one-piece filler incapable of removal without disassembling the gun so
24 as to reduce the capacity of the gun to not more than 3 shells in the magazine and
25 chamber combined. A person who violates this paragraph commits a civil violation
26 punishable by a fine of up to \$100. This paragraph does not apply to:

27 (1) Military organizations authorized by law to bear arms or to the National Guard
28 in the performance of its duty;

29 **Sec. A-7. 12 MRSA §11214, sub-§1, ¶I**, as enacted by PL 2003, c. 414, Pt. A, §2
30 and affected by c. 614, §9, is amended to read:

31 I. Allow duck decoys to remain in waters of Merrymeeting Bay at any time during the
32 period from one hour after legal shooting time until one hour before legal shooting time
33 the next day. A person who violates this paragraph commits a civil violation
34 punishable by a fine of up to \$50;

35 **Sec. A-8. 12 MRSA §11214, sub-§1, ¶J**, as enacted by PL 2003, c. 414, Pt. A, §2
36 and affected by c. 614, §9, is amended to read:

37 J. Leave or allow to remain in waters of Merrymeeting Bay an artificial cover, that is,
38 a "stationary blind," or parts of an artificial cover used for hunting purposes between
39 one hour after legal shooting time and one hour before legal shooting time the next day.
40 A person who violates this paragraph commits a civil violation punishable by a fine of
41 up to \$50;

42 **Sec. A-9. 12 MRSA §11214, sub-§2**, as enacted by PL 2003, c. 655, Pt. B, §146
43 and affected by §422, is amended to read:

1 **2. Penalty.** A Except as provided in subsection 1, paragraphs F, I and J, a person who
2 violates subsection 1 commits a Class E crime.

3 **Sec. A-10. 12 MRSA §11301, sub-§2,** as enacted by PL 2003, c. 655, Pt. B, §157
4 and affected by §422, is amended to read:

5 **2. Penalty.** A person who violates subsection 1 commits a civil violation punishable
6 by a fine of up to \$125. A person who violates ~~this section~~ subsection 1-A commits a Class
7 E crime.

8 **Sec. A-11. 12 MRSA §11302, sub-§3,** as enacted by PL 2003, c. 655, Pt. B, §158
9 and affected by §422, is amended to read:

10 **3. Penalty.** A person who violates this section commits a ~~Class E crime~~ civil violation
11 punishable by a fine of up to \$250.

12 **Sec. A-12. 12 MRSA §12051, sub-§1,** as repealed and replaced by PL 2013, c.
13 588, Pt. A, §16, is amended by amending the 2nd blocked paragraph to read:

14 A person who violates this subsection commits a ~~Class E crime~~ civil violation punishable
15 by a fine of up to \$100.

16 **Sec. A-13. 12 MRSA §12054, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2
17 and affected by c. 614, §9, is amended to read:

18 **2. Rabbit hound field trials.** A person may not hold field trials for beagles and other
19 rabbit hounds except from September 1st through the following April 10th. A person who
20 violates this subsection commits a ~~Class E crime~~ civil violation punishable by a fine of up
21 to \$100.

22 **Sec. A-14. 12 MRSA §12055, sub-§1,** as enacted by PL 2003, c. 414, Pt. A, §2
23 and affected by c. 614, §9, is amended to read:

24 **1. License required.** A club or organization may not hold field trials as provided
25 under this section unless the club or organization has a valid license issued under this
26 section. Each day a person violates this subsection that person commits a ~~Class E crime~~
27 ~~for which a minimum~~ civil violation for which a fine of \$50 and an amount equal to twice
28 the applicable license fee ~~must~~ may be imposed.

29 **Sec. A-15. 12 MRSA §12101, sub-§1-A,** as enacted by PL 2003, c. 655, Pt. B,
30 §199 and affected by §422, is amended to read:

31 **1-A. License required.** A person may not charge others for the opportunity to hunt
32 mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in an area or
33 establish a commercial shooting area for such purposes unless that person has a valid
34 license issued under this section. Each day a person violates this subsection that person
35 commits a ~~Class E crime for which a minimum~~ civil violation for which a fine of \$50 and
36 an amount equal to twice the applicable license fee ~~must~~ may be imposed.

37 A. Nothing in this subsection prohibits the operator of a commercial shooting area
38 from authorizing a person to hunt other wild birds or wild animals in the commercial
39 shooting area during the regular open season on those species, in accordance with this
40 Part, as long as the person possesses a valid state hunting license that allows the hunting
41 of those wild birds and wild animals.

1 **Sec. A-16. 12 MRSA §12508, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
2 and affected by c. 614, §9, is amended by amending the first blocked paragraph to read:

3 Each day a person violates this subsection, that person commits a ~~Class E crime for which~~
4 ~~a minimum~~ civil violation for which a fine of \$50 and an amount equal to twice the
5 applicable license fee ~~must~~ may be imposed.

6 **Sec. A-17. 12 MRSA §12551-A, sub-§5, ¶B**, as enacted by PL 2003, c. 655, Pt.
7 B, §259 and affected by §422, is amended by amending subparagraph (2) to read:

8 (2) Shall present a receipted invoice, bill of lading, bill of sale or other satisfactory
9 evidence of the lawful possession of live baitfish or smelts for retail sale to any
10 agent of the commissioner upon request. A person who violates this subparagraph
11 commits a civil violation punishable by a fine of up to \$175; or

12 **Sec. A-18. 12 MRSA §12551-A, sub-§5, ¶B**, as enacted by PL 2003, c. 655, Pt.
13 B, §259 and affected by §422, is amended by amending the first blocked paragraph to read:

14 ~~Each~~ Except as provided in subparagraph (2), each day a person violates this paragraph
15 that person commits a ~~class~~ Class E crime.

16 **Sec. A-19. 12 MRSA §12551-A, sub-§6, ¶B**, as enacted by PL 2003, c. 655, Pt.
17 B, §259 and affected by §422, is amended by amending subparagraph (1) to read:

18 (1) When engaged in taking, or assisting in taking, live baitfish for resale from
19 inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the
20 commissioner upon request. A person who violates this subparagraph commits a
21 civil violation punishable by a fine of up to \$175;

22 **Sec. A-20. 12 MRSA §12551-A, sub-§6, ¶B**, as enacted by PL 2003, c. 655, Pt.
23 B, §259 and affected by §422, is amended by amending the first blocked paragraph to read:

24 ~~Each~~ Except as provided in subparagraph (1), each day a person violates this paragraph
25 that person commits a ~~class~~ Class E crime.

26 **Sec. A-21. 12 MRSA §12551-A, sub-§7, ¶B**, as amended by PL 2005, c. 237, §3,
27 is further amended by amending subparagraph (1) to read:

28 (1) When engaged in taking, or assisting in taking, live smelts for resale from
29 inland waters, fail to exhibit the license to any agent of the commissioner upon
30 request. A person who violates this subparagraph commits a civil violation
31 punishable by a fine of up to \$175;

32 **Sec. A-22. 12 MRSA §12551-A, sub-§7, ¶B**, as amended by PL 2005, c. 237, §3,
33 is further amended by amending the first blocked paragraph to read:

34 ~~Each~~ Except as provided in subparagraph (1), each day a person violates this paragraph
35 that person commits a Class E crime.

36 **PART B**

37 **Sec. B-1. 29-A MRSA §351, sub-§1, ¶B**, as amended by PL 2001, c. 671, §3, is
38 further amended to read:

1 B. A ~~Class E crime~~ traffic infraction for which a fine of up to \$200 may be adjudged
2 if the vehicle was not registered or the registration has been expired for 150 days or
3 more.

4 **Sec. B-2. 29-A MRSA §351, sub-§1-A, ¶B**, as enacted by PL 2005, c. 433, §5
5 and affected by §28, is amended to read:

6 B. A ~~Class E crime~~ traffic infraction for which a fine of up to \$200 may be adjudged
7 if more than 150 days have elapsed since establishing residency.

8 **Sec. B-3. 29-A MRSA §351, sub-§5, ¶B**, as enacted by PL 2001, c. 671, §4, is
9 amended to read:

10 B. A ~~Class E crime~~ traffic infraction for which a fine of up to \$200 may be adjudged
11 if the registration has been expired for 150 days or more.

12 **Sec. B-4. 29-A MRSA §1251, sub-§1**, as amended by PL 2013, c. 24, §1, is further
13 amended to read:

14 **1. Violation.** Except as provided in section 510, subsection 1, a person commits an
15 offense of operating a motor vehicle without a license if that person operates a motor
16 vehicle on a public way or parking area:

17 A. Without being licensed. Violation of this paragraph is a ~~Class E crime, which is a~~
18 ~~strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ traffic
19 infraction for which a fine of up to \$200 may be adjudged;

20 B. In violation of a condition or restriction on the license. Violation of this paragraph
21 is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A, section 34,~~
22 ~~subsection 4-A~~ traffic infraction for which a fine of up to \$175 may be adjudged;

23 C. Without a license issued by this State if a resident of this State for more than 30
24 days but fewer than 90 days. Violation of this paragraph is a traffic infraction;

25 D. Without a license issued by this State if a resident of this State for more than 90
26 days. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime as~~
27 ~~defined in Title 17-A, section 34, subsection 4-A~~ traffic infraction for which a fine of
28 up to \$200 may be adjudged; or

29 E. Unless a permit is issued pursuant to subsection 7, with a license issued by this State
30 that expired within the previous 90 days. Violation of this paragraph is a traffic
31 infraction.

32 **Sec. B-5. 29-A MRSA §1251, sub-§1-A, ¶B**, as enacted by PL 1999, c. 771, Pt.
33 C, §9 and affected by Pt. D, §§1 and 2, is amended to read:

34 B. A ~~Class E crime~~ traffic infraction for which a fine of up to \$200 may be adjudged
35 if the person has been a resident for at least 90 days.

36 **Sec. B-6. 29-A MRSA §1252, sub-§7**, as enacted by PL 1993, c. 683, Pt. A, §2
37 and affected by Pt. B, §5, is amended to read:

38 **7. Violation.** A person commits a ~~Class E crime~~ traffic infraction for which a fine of
39 up to \$175 may be adjudged if that person operates a vehicle not included within the class
40 of license issued to that person.

1 **Sec. B-7. 29-A MRSA §1603, sub-§9**, as enacted by PL 1993, c. 683, Pt. A, §2
2 and affected by Pt. B, §5, is amended to read:

3 **9. Return license, certificates and plates.** A person whose license or registration has
4 been suspended shall immediately return every license, registration certificate and
5 registration plate issued to that person to the Secretary of State. A person commits a ~~Class~~
6 ~~E-crime~~ traffic infraction for which a fine of up to \$100 may be adjudged if that person,
7 after notice of suspension, fails or refuses to return every license, registration certificate
8 and registration plate.

9 **Sec. B-8. 29-A MRSA §1605, sub-§6**, as amended by PL 2017, c. 165, §5, is
10 further amended to read:

11 **6. Operating without giving proof.** A person commits a ~~Class-D-crime~~ traffic
12 infraction for which a fine of \$225 may be adjudged if that person is required to maintain
13 proof of financial responsibility and, without authorization from the Secretary of State and
14 without that proof, operates a vehicle or knowingly permits a vehicle owned by that person
15 to be operated by another on a public way.

16 **Sec. B-9. 29-A MRSA §1859**, as amended by PL 1995, c. 65, Pt. A, §104 and
17 affected by §153 and Pt. C, §15, is further amended to read:

18 **§1859. Removal of vehicle**

19 Removal of a vehicle described in section 1851 or of any part or accessory from the
20 vehicle without the written consent of the person in charge or the owner of the premises or
21 property where the vehicle is located is a ~~Class-E-crime~~ traffic infraction for which a fine
22 of \$75 may be adjudged. This section applies to all persons, including the owner of the
23 vehicle.

24 **Sec. B-10. 29-A MRSA §1860**, as enacted by PL 1995, c. 65, Pt. A, §105 and
25 affected by §153 and Pt. C, §15, is amended to read:

26 **§1860. Abandonment on an island**

27 A person may not abandon a motor vehicle on any property on an island without
28 consent of the owner of the property. The State, municipality or other political subdivision
29 having jurisdiction over the island may order the owner of a vehicle illegally abandoned on
30 an island to remove it at the vehicle owner's expense. If the owner of the vehicle refuses
31 to remove the motor vehicle, or if the owner is unknown, the State or political subdivision
32 may cause the vehicle to be removed from the island and may require reimbursement from
33 the owner for the removal and the administrative and legal costs. Neither the State nor any
34 political subdivision of the State is liable for any damage to the motor vehicle that may be
35 caused by the removal. Failure to remove an illegally abandoned vehicle on an island
36 within 30 days after written warning, or within 30 days of ice-out if ice prevents the island
37 from being reasonably accessible, is a ~~Class-E-crime~~ traffic infraction for which a fine of
38 up to \$100 may be adjudged.

39 **Sec. B-11. 29-A MRSA §2069, sub-§3, ¶B**, as enacted by PL 2015, c. 159, §4, is
40 amended to read:

41 B. The issuance of a summons for a traffic infraction as described in section 2412-A,
42 subsection & 1-A, paragraph A;

1 **Sec. B-12. 29-A MRSA §2102, sub-§1**, as amended by PL 2009, c. 493, §2, is
2 further amended to read:

3 **1. Display revoked, mutilated, fictitious or fraudulently altered driver's license**
4 **or identification card.** A person commits a ~~Class E crime~~ traffic infraction for which a
5 fine of up to \$150 may be adjudged if that person displays a revoked, mutilated, fictitious
6 or fraudulently altered driver's license or identification card issued or represented to be
7 issued by this State or any other state or province.

8 **Sec. B-13. 29-A MRSA §2102, sub-§1-A**, as amended by PL 2009, c. 493, §2, is
9 further amended to read:

10 **1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license**
11 **or identification card.** A person commits a ~~Class E crime~~ traffic infraction for which a
12 fine of up to \$150 may be adjudged if that person possesses a revoked, mutilated, fictitious
13 or fraudulently altered driver's license or identification card issued or represented to be
14 issued by this State or any other state or province.

15 **Sec. B-14. 29-A MRSA §2104**, as amended by PL 2015, c. 176, §5, is further
16 amended to read:

17 **§2104. Improper plates**

18 **1. Attaching false plates.** A person commits a ~~Class E crime~~ traffic infraction for
19 which a fine of up to \$150 may be adjudged if that person attaches to a vehicle a registration
20 plate assigned to another vehicle or not currently assigned to that vehicle.

21 **1-A. Permitting attachment of false plates.** A person commits a ~~Class E crime~~ traffic
22 infraction for which a fine of up to \$150 may be adjudged if that person permits to be
23 attached to a vehicle a registration plate assigned to another vehicle or not currently
24 assigned to that vehicle.

25 **1-B. Permitting display of false registration validation device.** A person commits
26 a ~~Class E crime~~ traffic infraction for which a fine of up to \$150 may be adjudged if that
27 person permits to be attached or displayed on a vehicle registration plate a registration
28 validation device issued for another vehicle.

29 **2. False identification.** A person commits a ~~Class E crime~~ traffic infraction for which
30 a fine of up to \$150 may be adjudged if that person obscures identification numbers,
31 identification letters, the state name, validation sticker or mark distinguishing the type of
32 plate attached to a vehicle.

33 **3. Manufacturing or reproduction of plates.** A person commits a Class D crime if
34 that person manufactures or reproduces registration plates without the consent of the
35 Secretary of State.

36 **4. Alterations to registration plates.** Except when a greater penalty is applicable, a
37 person commits a traffic infraction if that person adds or attaches to a registration plate a
38 decal, symbol, slogan, mark, letter or number not authorized by law or by the Secretary of
39 State.

40 **5. Strict liability.** Violation of subsection 1, 2 or 3 is a strict liability crime as defined
41 in Title 17-A, section 34, subsection 4-A.

1 **Sec. B-15. 29-A MRSA §2412-A, sub-§1-A**, as amended by PL 2009, c. 297, §1,
2 is further amended to read:

3 **1-A. Offense; penalty.** A person commits operating while license suspended or
4 revoked if that person:

5 A. Operates a motor vehicle on a public way or in a parking area when that person's
6 license has been suspended or revoked, and that person:

7 (1) Has received written notice of a suspension or revocation from the Secretary
8 of State or a court;

9 (2) Has been orally informed of the suspension or revocation by a law enforcement
10 officer or a court;

11 (3) Has actual knowledge of the suspension or revocation;

12 (4) Has been sent written notice in accordance with section 2482 or former Title
13 29, section 2241, subsection 4; or

14 (5) Has failed to answer or to appear in court pursuant to a notice or order specified
15 in section 2605 or 2608;

16 A violation of this paragraph is a traffic infraction for which a fine of up to \$250 may
17 be adjudged;

18 B. Violates paragraph A and the suspension was for OUI or an OUI offense;

19 C. Violates paragraph A and the suspension was for OUI or an OUI offense, the person
20 was subject to the mandatory minimum sentence and the person:

21 (1) Has one prior conviction for violating this section;

22 (2) Has 2 prior convictions for violating this section; or

23 (3) Has 3 or more prior convictions for violating this section; or

24 D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the
25 person has one or more prior convictions for violating this section.

26 Except for an offense under ~~subsection 8~~ paragraph A or as otherwise provided, operating
27 while license suspended or revoked is a Class E crime, which is a strict liability crime as
28 defined in Title 17-A, section 34, subsection 4-A.

29 **Sec. B-16. 29-A MRSA §2412-A, sub-§8**, as amended by PL 2009, c. 493, §3, is
30 repealed.

31 **Sec. B-17. 29-A MRSA §2417**, as enacted by PL 1993, c. 683, Pt. A, §2 and
32 affected by Pt. B, §5, is amended to read:

33 **§2417. Suspended registration**

34 A person commits a ~~Class E offense~~ traffic infraction for which a fine of up to \$200
35 may be adjudged if that person operates or permits another to operate a vehicle when the
36 registration of that vehicle is suspended or revoked.

37 **Sec. B-18. 29-A MRSA §2551-A, sub-§1, ¶A**, as amended by PL 2013, c. 381,
38 Pt. B, §30, is further amended by amending subparagraph (4) to read:

1 (4) Operating after suspension or revocation, in violation of section 2412-A,
2 subsection 1-A, paragraph B, C or D;

3 **Sec. B-19. 29-A MRSA §2551-A, sub-§3, ¶D**, as enacted by PL 2009, c. 297, §3,
4 is amended to read:

5 D. An adjudication for the traffic infraction of operating after suspension under section
6 2412-A, subsection 8 1-A, paragraph A.

7 **PART C**

8 **Sec. C-1. 17-A MRSA §4-B, sub-§4**, as enacted by PL 1985, c. 282, §3, is
9 amended to read:

10 **4.** Evidence obtained pursuant to an unlawful search and seizure ~~shall~~ is not be
11 admissible in a civil violation proceeding ~~arising under Title 22, section 2383.~~

12 **Sec. C-2. 17-A MRSA §4-B, sub-§5** is enacted to read:

13 **5.** A law enforcement officer who has probable cause to believe that a violation of
14 law has taken place or is taking place may make application for a search warrant.

15 **SUMMARY**

16 In Part A, this bill:

17 1. Changes the definition of "habitual violator" in the inland fisheries and wildlife laws
18 by including a person whose convictions are for civil violations or a combination of civil
19 violations and criminal violations. Current law includes only criminal violations; and

20 2. Reduces from Class E crimes to civil violations the following violations of the
21 inland fisheries and wildlife laws and sets the fines for the civil violations:

22 A. For resident and nonresident junior hunters, hunting without a license;

23 B. Practicing falconry without a permit;

24 C. Hunting migratory game birds with a shotgun capable of holding more than 3 shells;

25 D. Leaving or allowing to remain duck decoys or a stationary blind or parts of an
26 artificial cover in Merrymeeting Bay at night;

27 E. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with
28 more than 6 dogs;

29 F. With regard to a person who is not a resident of the State, hunting bear with dogs
30 without a guide;

31 G. Training dogs on wild birds or wild animals, except in certain circumstances;

32 H. Holding field trials for beagles and other rabbit hounds except from September 1st
33 through the following April 10th;

34 I. Holding field trials for sporting dogs without a license;

35 J. Charging others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar
36 partridge or Hungarian partridge or operating a commercial shooting area for such birds
37 without a license;

38 K. Charging another person for the opportunity to fish in a private pond without
39 holding a valid private fee pond license; and

1 L. Failing to present upon request to any agent of the Commissioner of Inland Fisheries
2 and Wildlife a receipted invoice, bill of lading, bill of sale, license or other satisfactory
3 evidence of lawful possession of live baitfish for retail or wholesale sale or smelts for
4 wholesale sale.

5 In Part B, the bill does the following:

6 1. Reduces from Class E crimes to civil violations the following violations of the motor
7 vehicle laws and sets the fines for the civil violations:

8 A. Failure to register a vehicle or having registration that has been expired for 150
9 days or more;

10 B. Operating a motor vehicle on a public way or parking area without being licensed
11 or in violation of a condition or restriction on the license;

12 C. Failure to obtain a license after establishing residency for more than 90 days;

13 D. With regard to Class A, B and C motor vehicle licenses, operating a vehicle not
14 included in the class of the person's license;

15 E. With regard to suspension of a license or registration, failure of the person to
16 surrender to the Secretary of State every license, registration certificate and registration
17 plate;

18 F. With regard to a motor vehicle that is abandoned, removal of the vehicle or any part
19 or accessory thereof without written consent;

20 G. With regard to a motor vehicle illegally abandoned on an island, failure to remove
21 the vehicle within the designated time frame;

22 H. Displaying or possessing a revoked, mutilated, fictitious or fraudulently altered
23 driver's license or identification card;

24 I. Attaching or permitting attachment to a motor vehicle a registration plate assigned
25 to another vehicle or not currently assigned to the vehicle;

26 J. Obscuring identification numbers or letters, the state name, the validation sticker or
27 a mark distinguishing the type of plate attached to the vehicle; and

28 K. Operating or permitting another person to operate a motor vehicle when the
29 registration has been suspended or revoked;

30 2. Reduces from a Class D crime to a civil violation for which a fine of \$225 may be
31 adjudged, operating a motor vehicle without proof of financial responsibility; and

32 3. Changes the definition of "habitual offender" in the laws governing motor vehicles
33 and traffic to exclude a person who accumulates within 5 years 3 or more convictions of
34 operating while license suspended or revoked when the suspensions were for failure to pay
35 a fine or a license reinstatement fee or for dishonored checks.

36 In Part C, the bill amends the Maine Criminal Code under the provision governing civil
37 violations to explicitly provide that evidence obtained pursuant to an unlawful search and
38 seizure is not admissible in any civil violation proceeding, not just those arising from
39 marijuana possession by a person under 21 years of age or possession of butyl nitrite or
40 isobutyl nitrite, and permit a law enforcement officer who has probable cause to believe
41 that a violation of the law has taken place or is taking place to make application for a search
42 warrant.