

# 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)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

substantive rules as defined in Title 5, chapter 375, subchapter II-A and must be brought back for review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters during the 2nd Regular Session of the 120th Legislature. The rules must include a procedure to obtain a waiver for prescription blanks that provide substantially equivalent protection against forgery. The rules must deal with the following subjects:

A. Measures designed to prevent unauthorized copying of a completed or blank prescription form;

B. Measures designed to prevent the erasure or modification of information written on the prescription by the prescribing health care provider; and

C. Measures to prevent the use of counterfeit prescription forms.

See title page for effective date.

---



---

**CHAPTER 420**

**S.P. 232 - L.D. 797**

**An Act to Amend the Laws  
Pertaining to Domestic Violence**

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

**Sec. 1. 19-A MRSA §4011, sub-§1**, as amended by PL 1997, c. 683, Pt. C, §7 and affected by §8, is further amended to read:

**1. Crime committed.** Except as provided in ~~subsection~~ subsections 2 and 4, violation of the following is a Class D crime; when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:

A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or

B. A court-approved consent agreement.

**Sec. 2. 19-A MRSA §4011, sub-§4** is enacted to read:

**4. Reckless conduct; assault.** A defendant who violates a protective order issued pursuant to section 4007 through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who

assaults the plaintiff named in the protective order commits a Class C crime.

See title page for effective date.

---



---

**CHAPTER 421**

**H.P. 1086 - L.D. 1455**

**An Act to Implement the  
Recommendations of the Committee  
to Study Further Decriminalization  
of the Criminal Laws of Maine**

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

**PART A**

**Sec. A-1. 14 MRSA Pt. 6-A** is enacted to read:

**PART 6-A**

**CIVIL VIOLATION PROCEEDINGS CHAPTER  
621 GENERAL PROVISIONS**

**§5601. Statute of limitations**

**1. Three-year period of limitation.** A proceeding against a person for a Title 29-A traffic infraction or a Title 12 civil violation related to marine resources laws and inland fisheries and wildlife laws must be commenced within 3 years after the traffic infraction or civil violation is committed. The burden is on the defendant to prove by a preponderance of the evidence that a proceeding against a person for the traffic infraction or civil violation was commenced after the expiration of the 3-year period of limitation.

**2. Limitations on period of limitation.** The period of limitation may not run:

A. During any time when the defendant is absent from the State, but in no event may this paragraph extend the period of limitation by more than 5 years; or

B. During any time when a traffic infraction or civil violation proceeding against the defendant for the same traffic infraction or civil violation based on the same conduct is pending in this State.

**3. Definitions.** For purposes of this section:

A. A civil violation is committed when every definitional component of the civil violation has occurred or, if the civil violation consists of a continuing course of conduct, at the time when

the course of conduct or the defendant's complicity in the course of conduct is terminated; and

B. A civil violation proceeding is commenced whenever a complaint or citation is filed.

### **§5602. Restitution**

The court may order a person adjudicated as having committed a civil violation to pay restitution as part of the judgment. Title 17-A, chapter 54 applies to the determination, ordering, payment and enforcement of an order of restitution.

### **§5603. License suspension**

1. Grounds for suspension. A department or agency of the State may suspend a license, permit or certificate issued by that department or agency if the person holding the license, permit or certificate is convicted or adjudicated of violating a law or rule administered by that department or agency.

2. Effective date of suspension. For violations having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license, permit or certificate holder must surrender the license, permit or certificate immediately to the issuing department or agency of the State. For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the department or agency. The license holder must surrender that license, permit or certificate to the department or agency upon receipt of a notice of suspension and is entitled to a hearing under subsection 3.

3. Hearing. A person receiving a notice of suspension under subsection 2 may request a hearing on that suspension. A request for a hearing must be in writing and must be made not later than 30 days after receipt of the suspension notice required under subsection 2. The department or agency of the State that issued the suspension notice shall notify the person of the date and location of the hearing.

A. A person may present evidence at a hearing concerning the violation that might justify reinstatement of the license, permit or certificate or the reduction of the suspension period. If the person denies any of the facts contained in the record, the person has the burden of proof.

B. Decisions of the department or agency must be in writing. Except as provided in paragraph C, the department or agency may reinstate the license, permit or certificate or reduce the suspension period if the department or agency finds that the person has not been convicted or adjudicated, or that reinstatement of the license, permit

or certificate or reduction of the suspension period would be in the best interests of justice.

C. The department or agency may not waive or reduce any mandatory minimum suspension period established in statute.

4. Supplement; superseded. The authority conferred by this section is in addition to the authority a department or agency of the State has to enforce violations under other provisions of law. Statutes that provide specific authority for a department or agency to suspend or revoke a license, permit or certificate supersede this section.

This section may not be construed to create any right to a hearing when such a hearing otherwise would be within the discretion of the department or agency in accordance with law.

**Sec. A-2. 30-A MRSA §282, sub-§3-A** is enacted to read:

**3-A. Civil violations.** Unless otherwise provided by law, the district attorney shall prosecute all Title 12 civil violations relating to marine resources laws or inland fisheries and wildlife laws in any county within the district attorney's prosecutorial district and shall be present at the trial of any such case.

## **PART B**

**Sec. B-1. 5 MRSA §12004-G, sub-§3-A**, as enacted by PL 1989, c. 503, Pt. A, §12, is amended to read:

<b>3-A.</b>	Pull Events	Expenses	7 MRSA
Agriculture	Commission	Only	§75 §75-A

**Sec. B-2. 7 MRSA §16**, as repealed and replaced by PL 1977, c. 696, §54, is repealed and the following enacted in its place:

### **§16. Penalties**

Unless a specific penalty has otherwise been provided, a person, firm, partnership or corporation that violates a provision of this Title or a rule adopted pursuant to this Title commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-3. 7 MRSA §75**, as amended by PL 1999, c. 73, §§1 to 4, is repealed.

**Sec. B-4. 7 MRSA §75-A** is enacted to read:

### **§75-A. Pulling events between animals; application**

**1. Permits.** A person, firm, corporation or unincorporated society or association may not conduct a

public or private pulling event between animals or pairs of animals within the State without a permit from the commissioner.

**2. Application.** A person shall make an application for a permit in writing to the commissioner at least 10 days prior to the date on which a pulling event is intended to take place and shall give the name of the person, firm, corporation or unincorporated society or association holding the event and the date and place the event is to be held. One application and one permit may include one or more separate events when specified. Permits granted under this section are not transferable.

**3. Fees.** The commissioner shall charge a permit fee of \$10 per pull day, up to a maximum of \$50 for pulls held on consecutive days at the same location. All revenue derived from the permit fees must be deposited in the General Fund.

**4. Statutory rules.** A permit may not be issued unless the sponsor has adopted the following rules governing the conduct of each contest.

A. All teamsters who are to compete in contests shall have their teams ready at the published starting time. All classes must be closed after the positions are drawn. Classes must start as nearly as possible to the published time.

B. Check weighing must be allowed prior to the official weigh-in. All weighing must be done in the forenoon if possible. Teams must have on halters. Horses and ponies must have on shoes.

C. Measuring must be in a straight line to the nearest point on the drag. Line-to-line measuring is allowed. The front of the drag must touch the line before turning. To get the full-line measure, the drag must be turned more than 1/2 way or the back of the drag must be over the line.

D. Teams must stay hooked to the drag at all times. Unhitching and rehitching are not allowed.

E. An actual separation, breaking or bending of equipment constitutes a breakdown. A team breaking down may take the distance pulled or return to the last position and pull over. Only one breakdown is allowed.

F. Time limits are a maximum of 5 minutes. Time starts when the drag is moved. The time limit to hook on in distance pulls is 3 minutes.

G. On horses, the very light use of the reins on the hindquarters only is allowed and over and under is not allowed. Whips, brads or goads are not allowed. Reins may not be doubled up.

Electrical or electronic devices are not allowed. Open bridles are not allowed. Ponies may not be struck except in a sweepstakes when they may be struck with a cap or bare open hand.

On oxen, the use of the goad must be very light. The goad may not have a brad in it, only a plain yoke and chain or pole that may be pulled, except that a rope may be allowed in children's classes as provided in rules adopted pursuant to subsection 8. All chains must be covered to the hook. Plastic goads are not allowed. The goad stick may not be over 4 feet long unless approved by the pull superintendent and may not exceed 1/2 inch in diameter on the small end. The goad stick may be taped with friction tape but not weighted. The stick may be used lightly on the face to control the oxen but not around the eyes.

H. Any number of helpers is allowed to help hitch. After hitch-on, there may be no more than 2 helpers. The helpers shall stay behind the drag unless needed to help the teamster. The helpers may not have a stick. This paragraph applies to distance pulls only.

I. All participants must be properly dressed. Proper language must be used at all times. Any participant under the influence of liquor must be disqualified from the contest. Tests may be made to determine intoxication. The drinking of intoxicating beverages by participants in and around the ring is prohibited.

J. The fair association or other sponsor decides the splitting of teams.

K. Heading of horses or oxen is not allowed. One inch pulled constitutes a hitch. Stepping over the rail counts as a hitch and 5 minutes are allowed for hitching. Three attempts may be made within that period. Time taken out to position the drag for the next pull may not be counted. Teamsters may not be changed after the first load is pulled. A team deliberately driven over the rail is disqualified from the contest. In case of a tie on the longest distance, the 2nd-longest distances already pulled will take first place. Persons acting as eveners shall remain quiet after hitching on. This paragraph does not apply to distance pulls.

L. There may not be heading of horses after a pull starts unless there is a mix-up, snarl or breakdown.

M. A substantial barrier must be maintained at the end of the ring toward which the pull is proceeding to prevent or substantially impede run-aways. A teamster losing control of the team is disqualified immediately.

N. There is 100 pounds tolerance on draft steers and oxen on and after Labor Day weekend.

O. An animal that is thin, dehydrated, shows open sores or is lame is disqualified.

P. Before a team is allowed to pull, the owner shall provide a certificate of liability insurance in the amount of \$300,000.

**5. Pull superintendent.** Each sponsor of a pulling event shall appoint a pull superintendent who is certified by the commissioner under this section. The name of the superintendent must be submitted in conjunction with the application for a permit to conduct each event. Only those listed on the application as superintendent or assistant superintendent may officiate. A superintendent may not officiate as superintendent for a class in a pull event in which that superintendent is participating as a competitor. An assistant superintendent may not officiate as superintendent for a class in a pull event in which that assistant superintendent is participating as a competitor. The Pull Events Commission established pursuant to subsection 6 shall adopt rules for the qualifications required to be a pull superintendent or assistant pull superintendent. Rules must be adopted in accordance with Title 5, chapter 375.

**6. Pull Events Commission.** The Pull Events Commission is established pursuant to this subsection.

A. The Pull Events Commission, as authorized by Title 5, section 12004-G, subsection 3-A, is established to develop rules for the certification of pull superintendents and for actions to be taken in the event of violation of pull laws and rules.

B. The Pull Events Commission consists of 11 members:

(1) Two members appointed by a statewide association representing owners of draft horses and oxen who participate in pulling events, one member appointed by an association representing owners of oxen who participate in pulling events and one member appointed by an association representing owners of ponies who participate in pulling events;

(2) An agricultural fair coordinator from the department;

(3) One Fair Superintendent appointed by the Maine Association of Agricultural Fairs;

(4) Two representatives appointed by state humane organizations;

(5) The commissioner or a designated representative;

(6) One member, appointed by the commissioner, representing the general public; and

(7) One member, appointed by the commissioner, representing the animal pulling industry.

C. The Pull Events Commission shall elect one of its members as chair. The chair serves a 2-year term and may not serve as chair for consecutive terms. The commission shall meet a minimum of twice annually.

D. With the exception of the commissioner and the fair coordinator, appointments must be for terms of 2 years. The appointing authority fills a vacancy for a full 2-year term. The appointing authority may remove a commission member for cause, which includes poor attendance. The chair shall make recommendations to the appointing authority concerning a removal.

E. Commission members may receive expenses but not per diem.

F. The commission shall:

(1) Develop qualifications for the certifying of pull superintendents and guidelines for dealing with violations of this section;

(2) Periodically review the rules for pulls as contained in subsection 4 and recommend to the Legislature such changes as necessary;

(3) Hold hearings as required on its rule-making activities and on individual violations. These hearings must be held in accordance with Title 5, chapter 375;

(4) Give advice and recommendations to the commissioner on request or as the commission considers necessary; and

(5) Coordinate, develop and conduct pulling superintendent training seminars.

**7. Enforcement.** The superintendent shall enforce the laws and rules governing pull events and shall report participants who are disqualified, violations of the law and other matters, as appropriate, to the Pull Events Commission. The commission shall send a copy of any such report to the sponsor whose name appears on the application for the pulling event and to the person whose conduct has been reported to the commission. Humane agents shall promptly report to the pull superintendent any pulling event actions

that violate this chapter, any of the animal welfare laws in this Title or any rule enacted by the department. If the superintendent fails or refuses to take corrective action, the humane agent shall take action to enforce the animal welfare laws and make a written report to the commission concerning all violations.

**8. Rules.** In accordance with Title 5, chapter 375, and with the advice of the Pull Events Commission, the commissioner may adopt rules necessary to carry out the purposes of this chapter.

**9. Civil violations.** A person, firm, corporation or unincorporated association or society that conducts or causes to be conducted a public or private pulling event between animals or pairs of animals within the State without a permit from the commissioner commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

A person, firm, corporation or unincorporated association or society that within the previous 5 years has been convicted of a violation of Title 17, section 1031 or has been adjudicated to have committed a civil violation of section 4011, and that participates as an animal owner or handler or in any other capacity, directly or indirectly, in a pulling event required to have a permit pursuant to this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**10. Permit revocation.** A person, firm, corporation or unincorporated association or society required to obtain a permit under this section to conduct a pulling event may not allow, after having received notice from the Department of Agriculture, Food and Rural Resources, a person, firm, corporation or unincorporated association or society that has been convicted within 5 years of violation of Title 17, section 1031, or that has been adjudicated within 5 years to have committed a civil violation of section 4011 to participate as an owner or handler or in any other capacity, directly or indirectly, in a pulling event. A violation of this provision is grounds, upon compliance with appropriate provisions of Title 5, chapter 375, for revocation or nonrenewal of a permit issued under this section.

**Sec. B-5. 7 MRSA §512**, as amended by PL 1977, c. 696, §60, is further amended to read:

#### **§512. Penalties**

Any A person violating any of the provisions who violates a provision of this subchapter is guilty of a Class E crime commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged. No A person shall be is not subject to the penalties provided in this section if such the person establishes a written guarantee or undertaking in which is furnished the name and address of the

manufacturer or distributor, and the statement that ~~he~~ the person received ~~such~~ the products in good faith in reliance upon the manufacturer or distributor to the effect that such products were manufactured and labeled in compliance with this subchapter or with ~~such Federal Acts which~~ federal law that may relate to the regulations of the distribution of hazardous substances covered by this subchapter.

**Sec. B-6. 7 MRSA §643**, as repealed and replaced by PL 1977, c. 696, §69, is amended to read:

#### **§643. Violations**

Any A person, firm or corporation who that violates any provision of sections 640 to 642 shall be guilty of a Class E crime, and the commissioner is expressly empowered to enforce those sections and to be vigilant in discovering violations thereof, and making complaint to the proper authorities commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-7. 7 MRSA §722**, as amended by PL 1979, c. 731, §19, is further amended to read:

#### **§722. Penalties**

Any person, violating any of the provisions A person who violates a provision of this subchapter or who shall impede, hinder or otherwise prevent, or attempt to prevent, impedes, hinders or otherwise prevents the commissioner, or his the commissioner's duly authorized agent, in the performance of his the commissioner's duty in connection with this subchapter, commits a civil violation for which a forfeiture of not less than \$100 nor more than \$200 shall may be adjudged for the first violation and for which a forfeiture of not less than \$200 nor more than \$500 shall may be adjudged for each subsequent violation.

Nothing in this subchapter shall may be construed as requiring the commissioner; or his representative; the commissioner's agent to cause suit to be brought or institute seizure proceedings or issue a withdrawal from distribution order, as a result of minor violations of this subchapter, or when ~~he~~ the commissioner believes that the public interest will best be served by suitable notice of warning in writing.

~~It shall be the duty of those~~ The authorities to whom ~~any a~~ a violation is reported to shall cause appropriate proceedings to be instituted in a court of competent jurisdiction without delay. Before the commissioner reports a violation for suit to be brought, the distributor must have an opportunity shall be given the distributor to present his the distributor's view to the commissioner.

The commissioner is authorized to apply for and the court to grant a temporary or permanent injunction

restraining ~~any~~ a person from violating or continuing to violate any of the provisions of this subchapter or any rule or regulation promulgated under this subchapter notwithstanding the existence of other remedies at law. This injunction ~~shall~~ must be issued without bond.

~~Any~~ A person adversely affected by an act, order or ruling made pursuant to this subchapter may within 45 days thereafter bring action in the Superior Court in the county ~~where~~ of the enforcement ~~official has his~~ official's office for judicial review of ~~such~~ the actions. The form of the proceeding ~~shall~~ must be any ~~which~~ that may be provided by statutes of this State to review decisions of administrative agencies, or in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunctions.

~~Any~~ A person who uses to ~~his~~ that person's own advantage, or reveals to other than the commissioner or officers of the ~~Maine~~ Department of Agriculture, Food and Rural Resources, or to the courts when relevant in any judicial proceeding, ~~any~~ information acquired under the authority of this subchapter, concerning any method, records, formulations or processes ~~which~~ that as a trade secret is secrets are entitled to protection, ~~is guilty of a Class E crime~~ commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged. This prohibition ~~shall~~ may not be deemed as prohibiting the commissioner or ~~his~~ the commissioner's duly authorized agent from exchanging information of a regulatory nature with duly appointed officials of the United States Government, or of other states, who are similarly prohibited by law from revealing this information.

**Sec. B-8. 7 MRSA §1006-A** is enacted to read:

**§1006-A. Penalties**

A person who violates a provision of sections 991 to 994 or a provision of a marketing order duly issued by the commissioner commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged. Each day during which a violation continues constitutes a separate offense.

**Sec. B-9. 10 MRSA §3331**, as repealed and replaced by PL 1977, c. 1, §3, is repealed and the following enacted in its place:

**§3331. Violations and penalty**

**1. Violation.** A processor may not remove any farm product that is delivered to the processor or any processed form of the farm product upon which any of the liens that are provided for in this chapter are attached from this State or beyond the processor's

ownership or control, except any farm product or processed form of the product as may be in excess of a quantity that is on hand of a value that is sufficient to satisfy all existing liens, provided, that neither this section and the penalties provided in this section or any other provision of this chapter may affect, impede or restrict the rights and remedies of a lienor or holder of a security interest having priority under section 3325 to enforce its liens or security interests against the inventory of a processor and the proceeds and products of the processor and the lienor or security interest holder or any person cooperating or acting in accordance with the request of the lienor or security interest holder may not be in violation of this section.

**2. Penalty.** A person who violates a provision of this chapter commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-10. 12 MRSA §6072-C, sub-§1**, as enacted by PL 1999, c. 567, §2, is amended to read:

**1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may not engage in the activities authorized under this section without a current limited-purpose aquaculture license or a lease issued under this Part authorizing the activities.

**Sec. B-11. 12 MRSA §6072-C, sub-§7**, as enacted by PL 1999, c. 567, §2, is amended to read:

**7. Prohibition; molesting gear.** ~~It is unlawful for a~~ A person other than a marine patrol officer, the licensed owner of the gear or the licensed owner's assistant, with written permission from the licensed owner, ~~to~~ may not utilize, raise, lift, transfer, possess or in any manner molest any approved aquaculture gear that is deployed under a current limited-purpose aquaculture license.

~~A. If a person violates this subsection by cutting any lines or marker buoys or intentionally damaging approved aquaculture gear, the court shall, upon finding a violation of this subsection:~~

~~(1) Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and~~

~~(2) Direct that person to provide the commissioner, upon making full payment as ordered by the court, proof of that payment.~~

~~B. A penalty imposed under this subsection is in addition to any penalty imposed under section 6204.~~



**Sec. B-12. 12 MRSA §6072-C, sub-§9** is enacted to read:

**9. Violation; restitution.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged. If a person violates subsection 7 by cutting any lines or marker buoys or intentionally damaging approved aquaculture gear, the court shall also:

A. Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court, proof of that payment.

**Sec. B-13. 12 MRSA §6114**, as enacted by PL 1985, c. 254, is amended to read:

**§6114. Violation; enforcement**

**1. Forfeiture.** A violation of this ~~chapter sub-~~chapter is a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

**Sec. B-14. 12 MRSA §6302-A, sub-§6**, as enacted by PL 1997, c. 708, §1 and affected by §3, is amended to read:

**6. License suspension.** If a member of the Passamaquoddy Tribe issued a license or permit under this section is convicted or adjudicated of a violation for which a license suspension is mandatory under chapter 617, the commissioner shall suspend that member's license or permit for the specified period. If a member of the Passamaquoddy Tribe issued a license or permit under this section is convicted or adjudicated of a violation for which the commissioner may suspend a license, the commissioner may suspend that member's license or permit in accordance with chapter 617.

**Sec. B-15. 12 MRSA §6351**, as amended by PL 1995, c. 218, §1, is repealed and the following enacted in its place:

**§6351. Suspension based on criminal conviction or civil adjudication**

**1. Grounds for suspension.** Any of the following is grounds for suspension of a license or certificate issued under this Part:

A. A conviction for a violation of a marine resources law;

B. A conviction for a violation of Title 17-A, chapter 31;

C. A conviction for a criminal offense against a marine patrol officer while that officer is engaged in the performance of official duty; or

D. A civil adjudication of having violated a marine resources law.

**2. Suspension procedure.** In order to suspend a license or certificate because of a conviction or adjudication, the commissioner shall follow the procedures of this article.

**Sec. B-16. 12 MRSA §6371**, as amended by PL 1999, c. 547, Pt. B, §29 and affected by §80, is further amended to read:

**§6371. Suspension without criminal conviction or civil adjudication**

**1. Suspension for refusal to allow inspection.** Refusal to allow inspection or seizure under section 6306 ~~shall be~~ is grounds for suspension of any ~~and all~~ licenses issued under marine ~~resources'~~ resources laws. In order to suspend a license because of a refusal to allow inspection or seizure, the commissioner shall follow the procedures of section 6372.

**2. Suspension for refusal to allow a shellfish inspection or for violation of shellfish sanitation provisions.** Refusal to allow a shellfish inspection under section 6856 or violation of shellfish sanitation regulations adopted under section 6856 ~~shall be~~ is grounds for suspension of any ~~and all~~ licenses or certificates issued under marine ~~resources'~~ resources laws. In order to suspend a license or certificate for these reasons, the commissioner shall follow the procedures of section 6373.

**3. Suspension for violations.** Violation of any section of marine ~~resources'~~ resources laws is grounds for suspension of any ~~and all~~ licenses or certificates issued under this Part. In order to suspend a license or certificate for a violation, the commissioner shall follow the procedures for license suspension or revocation in the District Court, as provided under Title 4, chapter 5.

**Sec. B-17. 12 MRSA §6401**, as amended by PL 1985, c. 43, is further amended to read:

**§6401. Suspension based on criminal conviction**

**1. Violation of marine resources laws.** The commissioner may suspend any ~~and all~~ licenses or certificates issued under this Part if a person is convicted or adjudicated in court of violating any section of the marine ~~resources'~~ resources laws.

**2. Length of suspension.** The suspension of a license or certificate may not exceed ~~the following~~:

- A. One year from the date of the first conviction or adjudication;
- B. Two years from the date of the 2nd conviction or adjudication; and
- C. Three years from the date of the 3rd or subsequent conviction or adjudication.

**3. Applicable standards.** Any conviction or adjudication occurring more than 7 years before the last conviction ~~shall~~ or adjudication may not be counted in determining lengths of suspension.

**Sec. B-18. 12 MRSA §6404-A**, as enacted by PL 1995, c. 536, Pt. A, §5, is amended to read:

**§6404-A. Suspension based on adjudication of molesting elver gear**

The commissioner shall suspend the elver fishing license of any license holder ~~convicted~~ adjudicated in court of violating section 6575-D. This suspension must be for one year from the date of ~~conviction~~ adjudication.

**Sec. B-19. 12 MRSA §6421, sub-§1**, as amended by PL 1995, c. 568, §1, is further amended to read:

**1. License required.** ~~It is unlawful for any A person to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current Class I, Class II, Class III, apprentice, student or noncommercial lobster and crab fishing license or other license issued under this Part authorizing the activities.

**Sec. B-20. 12 MRSA §6421, sub-§5**, as amended by PL 1999, c. 658, §1 and c. 790, Pt. B, §1, is further amended to read:

**5. Eligibility.** A Class I, Class II, Class III, apprentice, noncommercial or student lobster and crab fishing license may only be issued to an individual ~~and who~~ is a resident ~~licensee~~. A Class I, Class II or Class III license may be issued to a person only if the person:

- A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year;
- C. Meets the requirements of the apprentice program under section 6422 or section 6475;
- D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had sus-

pending the person's license privileges for a length of time that included the previous calendar year; or

H. Has held a student lobster and crab fishing license in 3 consecutive years and:

- (1) Is 18 years of age or older; or
- (2) Is a high school graduate.

This paragraph is repealed December 31, 2001.

**Sec. B-21. 12 MRSA §6421, sub-§9** is enacted to read:

**9. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-22. 12 MRSA §6431-A, sub-§4** is enacted to read:

**4. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-23. 12 MRSA §6474, sub-§1**, as enacted by PL 1997, c. 574, §4, is amended to read:

**1. Prohibition.** ~~It is unlawful for a A person to~~ may not submerge a lobster trap in the Monhegan Lobster Conservation Area unless a lobster trap tag designated for use in the Monhegan Lobster Conservation Area is affixed to the trap. The commissioner shall charge fees and deposit those fees for Monhegan Lobster Conservation Area trap tags in accordance with section 6431-B.

**Sec. B-24. 12 MRSA §6474, sub-§8** is enacted to read:

**8. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-25. 12 MRSA §6501**, as amended by PL 1999, c. 491, §4, is further amended to read:

**§6501. Commercial fishing license**

**1. License required.** ~~It shall be unlawful for any A person to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current commercial fishing license or other license under this Part authorizing the activities.

**2. Licensed activity.** The holder of a commercial fishing license may fish for or take fish or possess, ship, transport or sell fish ~~which he~~ that the holder has taken. The license ~~shall also authorize~~ authorizes crew members aboard the licensee's boat when it is engaged

in commercial fishing to undertake these activities, if the license provides for crew members.

**3. Exemptions.** ~~The following shall be exempted from this~~ licensing requirement under subsection 1 does not apply to activities described in this subsection.

A. ~~Any~~ A person may fish for, take, possess or transport any species of fish if they have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.

B. ~~Any~~ A person may fish for, take, possess or transport halibut if they have been taken by tub trawl and are only for personal use.

C. ~~Any~~ A person may fish for, take, possess, ship, transport, or sell smelts if they have been taken by hook and line through the ice.

**4. Eligibility.** A commercial fishing license ~~shall only~~ may be issued only to an individual.

**5. Fees.** Fees for commercial fishing licenses are:

A. Thirty-three dollars for resident operator;

B. Eighty-nine dollars for resident operator and all crew members; and

C. Three hundred thirty-four dollars for nonresident operator and all crew members.

**6. Definition.** For the purposes of this chapter, "fish" means all marine finfish and squid or other marine animals, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers, eels or shrimp.

**8. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-26. 12 MRSA §6502,** as amended by PL 1991, c. 591, Pt. T, §3, is further amended to read:

**§6502. Nonresident special tuna permit**

A nonresident individual may fish for, take, possess, ship, transport or sell tuna ~~which he~~ that the individual has taken, without a ~~commercial~~ commercial fishing license, if ~~he~~ the individual has a current special tuna permit.

**1. Eligibility.** A special tuna permit may be issued to a nonresident individual who is a registered participant in a tuna tournament ~~which that~~ is sponsored and operated by a nonprofit association or corporation that has existed for at least one year prior

to the tournament. ~~No~~ An individual ~~shall~~ may not be issued more than one permit in any one calendar year.

**2. Authorized activity.** A special tuna permittee may fish for, take for sale and sell only one tuna in any one calendar year. The permit ~~shall be~~ is valid for the length of the tournament plus one day or for 7 days from the date of issue, whichever is shorter.

**3. Fee.** The permit fee is \$84, which may be credited against the license fee for a commercial fishing license, if it is issued to the permittee within 30 days of the issuing of the permit.

**4. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-27. 12 MRSA §6505-A, sub-§1,** as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

**1. License required.** ~~It is unlawful for a~~ A person ~~to~~ may not fish for or take elvers or possess, ship, transport or sell elvers that the person has taken unless the person is issued an elver fishing license under this section.

**Sec. B-28. 12 MRSA §6505-A, sub-§6,** as enacted by PL 1999, c. 7, §5, is amended to read:

**6. Minimum age.** ~~It is unlawful for a~~ A person who is under 15 years of age ~~to~~ may not fish for or take elvers.

**Sec. B-29. 12 MRSA §6505-A, sub-§8** is enacted to read:

**8. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-30. 12 MRSA §6505-B,** as amended by PL 1999, c. 7, §6, is further amended to read:

**§6505-B. Elver gear fees**

**1. Elver fyke net and Sheldon eel trap fee.** ~~It is unlawful for a~~ A person ~~to~~ may not submerge an elver fyke net or a Sheldon eel trap in the waters of the State to fish for or take elvers unless the net or trap owner pays annually the following fees:

A. Fifty dollars per net or trap for the use of ~~a~~ an elver fyke net or Sheldon eel trap, except that the fee under this paragraph does not apply to an elver fyke net or Sheldon eel trap a person utilizes pursuant to section 6505-A, subsection 5.

**2. Tags for elver fyke net and Sheldon eel trap.** ~~It is unlawful for a~~ A person ~~to~~ may not submerge an elver fyke net or Sheldon eel trap in the

coastal waters of the State to fish for or take elvers unless a tag issued by the department is affixed to the shoreside wing of the net or trap and is clearly visible. The department may issue a replacement tag when an owner issued a tag documents that a net or trap has been damaged or lost.

**3. Dip net fee.** ~~It is unlawful for a A person to~~ may not utilize a dip net to fish for or take elvers without paying a fee of \$50 per dip net annually.

This subsection does not apply to a dip net a person utilizes pursuant to section 6505-A, subsection 5.

**4. Payment with license.** The fees required under subsections 1 and 3 must be paid upon application for an elver fishing license under section 6505-A.

**5. Disposition of fees.** All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-31. 12 MRSA §6505-C**, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

**§6505-C. Eel harvesting license**

**1. License required.** ~~It is unlawful for a A person to~~ may not fish for or take eels in the coastal waters of the State or possess, ship, transport or sell eels that the person has taken in the coastal waters of the State without an eel harvesting license.

**2. Exemptions.** A person may fish for or take for personal use an eel in the coastal waters of the State by speargun, harpoon, trap or hook and line and may possess or transport that eel.

**3. Eligibility.** An eel harvesting license may ~~only~~ be issued only to an individual.

**4. Fees.** The fee for an eel harvesting license is \$100.

**5. Disposition of fees.** All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D, except that \$33 must accrue to the General Fund for each license sold under this section.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-32. 12 MRSA §6535**, as amended by PL 1997, c. 158, §§3 to 5, is further amended to read:

**§6535. Sea urchin and scallop diving tender license**

**1. License required.** ~~It is unlawful for a A person to~~ may not operate a boat as a platform for the harvesting of sea urchins and scallops by hand, ~~to~~ act as a diving tender on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand or ~~to~~ possess, ship, transport or sell scallops or sea urchins unless that person is licensed under this section, section 6701 or section 6748.

**2. Licensed activity.** A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess, ship, transport and sell sea urchins and scallops harvested by licensed harvesters the tender has tended. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops.

**2-A. Thirty-day temporary license.** A person may be issued a 30-day temporary sea urchin and scallop diving tender license. A person may be issued a license only one time under this subsection. A license issued under this subsection may not be renewed.

**3. Eligibility.** A sea urchin and scallop diving tender license and a 30-day temporary sea urchin and scallop diving tender license may be issued only to an individual ~~and are~~ who is a resident licensee.

**4. Fee.** Fees for licenses issued under this section are as follows:

A. For a sea urchin and scallop diving tender license, \$89; and

B. For a 30-day temporary sea urchin and scallop diving tender license, \$25.

**5. Prima facie evidence.** The failure of at least one person on board the boat operated as a platform during periods of diving to harvest scallops or sea urchins to have a license issued under section 6701 or 6748 is prima facie evidence of a violation of this section.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-33. 12 MRSA §6536**, as amended by PL 1997, c. 19, §7, is further amended to read:

**§6536. Scallop diving tender license**

**1. License required.** ~~It is unlawful for a A person to~~ may not operate a boat as a platform for the harvesting of scallops by hand, ~~to~~ act as a diving tender on a boat engaged as a platform for the harvesting of scallops by hand or ~~to~~ possess, ship,

transport or sell scallops unless that person is licensed under this section, section 6535, section 6701 or section 6748.

**2. Licensed activity.** A person licensed under this section may tend divers who harvest scallops by hand and operate a boat as a platform for the harvesting of scallops by hand and may possess, ship, transport and sell scallops harvested by licensed harvesters the tender has tended. A scallop diving tender license does not authorize the holder to harvest scallops.

**3. Eligibility.** A scallop diving tender license may be issued only to an individual ~~and~~ who is a resident ~~licensee~~.

**4. Fee.** The fee for a scallop diving tender license is \$89.

**5. Prima facie evidence.** The failure of at least one person on board the boat operated as a platform during periods of diving to harvest scallops to have a license issued under section 6701 is prima facie evidence of a violation of this section.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-34. 12 MRSA §6575-D, sub-§2,** as enacted by PL 1995, c. 536, Pt. A, §9, is repealed and the following enacted in its place:

**2. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-35. 12 MRSA §6601, sub-§1,** as enacted by PL 1977, c. 661, §5, is amended to read:

**1. License required.** ~~It shall be unlawful for any A~~ person ~~to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current shellfish license or other license issued under this Part authorizing the activities.

**Sec. B-36. 12 MRSA §6601, sub-§2,** as amended by PL 1989, c. 348, §5, is further amended to read:

**2. Licensed activities.** The holder of a shellfish license may fish for or take shellfish or possess, ship or transport within the state limits or sell shellstock the holder has taken. The holder may also shuck, in the holder's home, shellfish the holder has taken and sell those shucked shellfish from that home in the retail trade. This license ~~shall~~ does not authorize the holder to fish for or take shellfish in violation of a municipal ordinance adopted pursuant to section 6671.

**Sec. B-37. 12 MRSA §6601, sub-§3,** as enacted by PL 1977, c. 661, §5, is amended to read:

**3. Eligibility.** A shellfish license ~~shall only~~ may be issued only to an individual ~~and shall be~~ who is a resident ~~licensee~~.

**Sec. B-38. 12 MRSA §6601, sub-§7,** as enacted by PL 1993, c. 281, §1, is repealed.

**Sec. B-39. 12 MRSA §6601, sub-§8** is enacted to read:

**8. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-40. 12 MRSA §6701,** as amended by PL 1991, c. 591, Pt. T, §5, is further amended to read:

#### **§6701. Scallop license**

**1. License required.** ~~It is unlawful for any A~~ person ~~to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current hand fishing scallop license or other license issued under this Part authorizing the activities.

**2. Licensed activity.** The holder of a hand fishing scallop license may take scallops by hand or possess, ship, transport or sell scallops ~~he~~ the holder has taken.

**3. Eligibility.** A scallop license ~~shall only~~ may be issued only to an individual ~~and shall be~~ who is a resident ~~licensee~~.

**4. Exception.** In any one day, ~~any a~~ person licensed pursuant to section 6703 may take or possess not more than 2 bushels of shell scallops or 4 quarts of shucked scallops for personal use without a scallop license under this section.

**5. Fee.** The fee for a scallop license is \$89.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-41. 12 MRSA §6702,** as amended by PL 1997, c. 572, §2, is further amended to read:

#### **§6702. Scallop boat license**

**1. License required.** ~~It is unlawful for any A~~ person ~~to~~ may not use a boat for dragging for scallops unless that boat carries a scallop boat license issued by the commissioner.

**2. Licensed activity.** A boat licensed under this section may be used for dragging for scallops and to possess, ship, sell or transport scallops taken under the

license. The license also authorizes the captain and crew members aboard the licensed boat when engaged in dragging for scallops to undertake these activities.

**3. Eligibility.** A scallop boat license ~~shall only~~ may be issued only to an individual ~~and shall be who~~ is a resident licensee.

**4. Exception.** In any one day, ~~any~~ a person licensed pursuant to section 6703 may take or possess not more than 2 bushels of shell scallops or 4 quarts of shucked scallops for personal use without a scallop license under this section.

**5. Fee.** The fee for a scallop boat license is \$89.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-42. 12 MRSA §6731**, as amended by PL 1991, c. 591, Pt. T, §9, is further amended to read:

#### §6731. Mahogany quahogs

**1. License required.** Except as provided in subsection 3, ~~it is unlawful for any~~ a person ~~to~~ may not engage in the activities authorized under this section without a current mahogany quahog license.

**2. Licensed activities.** The holder of a mahogany quahog license may:

- A. Fish for or take mahogany quahogs in any harvesting area indicated on the license;
- B. Possess, ship or transport mahogany quahogs within the State; or
- C. Sell mahogany quahogs that the holder has taken.

The license authorizes crew members aboard the licensee's boat to undertake these activities when engaged in dragging for mahogany quahogs if the licensee is present.

**3. Personal use exception.** ~~Any~~ A person may take or possess no more than 3 bushels of mahogany quahogs for personal use in one day without a license.

**4. Fee.** The fee for a mahogany quahog license is \$89. Fees collected pursuant to this section must be deposited in the General Fund.

**5. Conditions.** Each licensee may participate in the monitoring program established in section 6731-A within the harvest area indicated on the license. The holder of a mahogany quahog license shall comply with all other conditions of licensing established by the commissioner.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-43. 12 MRSA §6732**, as enacted by PL 1981, c. 297, §4, is amended to read:

#### §6732. Other quahogs

**1. License required.** ~~It is unlawful for any~~ A person ~~to~~ may not engage in the activities authorized under this section without a current shellfish license or other license issued under this Part authorizing the activities.

**2. Licensed activities.** The holder of a shellfish license may fish for or take quahogs, other than mahogany quahogs, or possess, ship or transport within the state limits or sell quahogs ~~he~~ the holder has taken.

**3. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-44. 12 MRSA §6745**, as amended by PL 1991, c. 591, Pt. T, §10, is further amended to read:

#### §6745. Hand-raking mussel license

**1. License required.** ~~It is unlawful for any~~ A person ~~to~~ may not engage in the activities authorized under this section without a current mussel license or other license issued under this Part authorizing the activities.

**2. Licensed activity.** The holder of a hand-raking mussel license may take mussels by hand raking or possess, ship, transport or sell mussels ~~he~~ the holder has taken.

**3. Eligibility.** A hand-raking mussel license ~~shall only~~ may be issued only to an individual ~~and shall be who is~~ a resident licensee.

**4. Exception.** In any one day, ~~any~~ a person may take or possess not more than 2 bushels of shell mussels for personal use without a mussel license.

**5. Fee.** The fee for a hand-raking mussel license is \$63.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-45. 12 MRSA §6746**, as amended by PL 1991, c. 591, Pt. T, §11, is further amended to read:

#### §6746. Mussel boat license

**1. License required.** ~~It is unlawful for any A person to~~ may not use a boat for dragging for mussels unless that boat carries a current mussel boat license issued by the commissioner.

**2. Licensed activity.** A boat license under this section may be used for dragging for mussels. The license ~~shall also authorize~~ authorizes the captain and crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities.

**3. Eligibility.** A mussel boat license ~~shall only~~ may be issued only to an individual who is a resident.

**4. Exception.** In any one day, ~~any a~~ person may take or possess not more than 2 bushels of shell mussels for personal use without a mussel license.

**5. Fee.** The fee for a mussel boat license is \$130.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-46. 12 MRSA §6748**, as enacted by PL 1993, c. 416, §2 and affected by §4, is amended to read:

#### §6748. Handfishing sea urchin license

**1. License required.** ~~It is unlawful for a A person to~~ may not engage in the activities authorized ~~by the license~~ under this section without a current handfishing sea urchin license or other license issued under this Part authorizing the activities.

**2. Licensed activity.** The holder of a handfishing sea urchin license may take sea urchins by hand or possess, ship, transport or sell sea urchins taken by that licensee.

**3. Eligibility.** A handfishing sea urchin license may be issued only to an individual ~~and~~ who is a resident ~~licensee~~.

**4. Fee.** The fee for a handfishing sea urchin license is \$89.

**5. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-47. 12 MRSA §6748-A**, as amended by PL 1993, c. 740, §1, is further amended to read:

#### §6748-A. Sea urchin draggers license

**1. License required.** ~~It is unlawful for a A person to~~ may not use a boat for dragging for sea urchins unless that boat carries a sea urchin dragging license issued by the commissioner.

**2. Licensed activity.** A boat licensed under this section may be used for dragging for sea urchins. The license also authorizes the captain and crew members aboard the licensed boat to drag for and possess, ship, transport and sell sea urchins.

**3. Eligibility.** A sea urchin dragging license may be issued only to an individual ~~and~~ who is a resident ~~licensee~~.

**4. Fee.** The fee for a sea urchin dragging license is \$89.

**5. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-48. 12 MRSA §6748-D**, as enacted by PL 1995, c. 392, §4, is amended to read:

#### §6748-D. Sea urchin hand-raking and trapping license

**1. License required.** ~~It is unlawful for a A person to~~ may not engage in the activities authorized under this section without a current sea urchin hand-raking and trapping license.

**2. Licensed activity.** The holder of a sea urchin hand-raking and trapping license may take sea urchins by hand-raking or by trap and may possess, ship, transport or sell sea urchins taken by that licensee.

**3. Eligibility.** A sea urchin hand-raking and trapping license may be issued only to an individual ~~and~~ who is a resident ~~licensee~~.

**4. Fee.** The fee for a sea urchin hand-raking and trapping license is \$89.

**5. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-49. 12 MRSA §6751**, as amended by PL 1991, c. 591, Pt. T, §12, is further amended to read:

#### §6751. Marine worm digger's license

**1. License required.** ~~It shall be unlawful for any A person to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current marine worm digger's license or other license issued under this Part authorizing the activities.

**2. Licensed activity.** The holder of a marine worm digger's license may fish for or take marine worms or possess, ship, transport or sell within the State worms ~~he~~ the licensee has taken.

**3. Eligibility.** A marine worm digger's license ~~shall only~~ may be issued only to an individual ~~and shall be who is~~ a resident licensee.

**4. Fee.** The fee for a marine worm digger's license is \$43.

**5. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-50. 12 MRSA §6803**, as corrected by RR 1999, c. 1, §17, is amended to read:

**§6803. Seaweed permit**

**1. Permit required.** ~~It is unlawful for any A person to~~ may not harvest, possess, ship, transport or sell seaweed without a current seaweed permit, except that an employee or immediate relation of a seaweed permit holder may harvest, possess or transport seaweed for commercial purposes with a supplemental seaweed permit.

**2. Exceptions.** ~~The requirement of following are not required to have a permit shall not apply to:~~

- A. The holder of a current marine worm dealer's license;
- B. The holder of a current wholesale seafood license;
- C. ~~Any~~ A person who harvests, possesses, ships or transports no more than 50 pounds of seaweed a day for noncommercial purposes;
- D. Charitable or municipal organizations that harvest, possess, ship or transport seaweed for noncommercial use by that organization; or
- E. Anyone harvesting, possessing, shipping, transporting or selling seaweed ~~which that~~ has detached naturally and is dead.

**3. Fees.** The fee schedule for seaweed permits is as follows:

- A. Fifty dollars for a resident seaweed permit;
- B. Two hundred dollars for a nonresident seaweed permit;
- C. Twenty-five dollars for a resident supplemental seaweed permit; and
- D. Fifty dollars for a nonresident supplemental seaweed permit.

**4. Disposition of fees.** All fees collected under this section accrue to the Seaweed Management Fund established in section 6806.

**5. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-51. 12 MRSA §6804, sub-§1**, as enacted by PL 1999, c. 491, §5 and affected by §9, is amended to read:

**1. License required.** ~~It is unlawful for a A person to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current commercial shrimp license.

**Sec. B-52. 12 MRSA §6804, sub-§9** is enacted to read:

**9. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-53. 12 MRSA §6851, sub-§§1 and 4**, as amended by PL 1991, c. 523, §3, are further amended to read:

**1. License required.** ~~It is unlawful for any A person to~~ may not engage in the activities authorized ~~by this license~~ under this section without a current wholesale seafood license or other license issued under this Part authorizing the activities.

**4. License limited.** A license under this section ~~only~~ authorizes activities at only one establishment or with only one vehicle, but not on a vessel rigged to fish, provided that this license also authorizes the sale and transportation of scallops from any vessel.

**Sec. B-54. 12 MRSA §6851, sub-§7** is enacted to read:

**7. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-55. 12 MRSA §6852, sub-§§1 and 3**, as enacted by PL 1977, c. 661, §5, are amended to read:

**1. License required.** ~~It shall be unlawful for any A person to~~ may not engage in the activities authorized ~~by this license~~ under this section without a retail seafood license or other license issued under this Part authorizing the activities.

**3. License limited.** A license ~~shall only authorize~~ authorizes these activities at only one establishment or with only one vehicle.

**Sec. B-56. 12 MRSA §6852, sub-§5** is enacted to read:



**5. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-57. 12 MRSA §6853**, as amended by PL 1991, c. 591, Pt. T, §16, is further amended to read:

**§6853. Marine worm dealer's license**

**1. License required.** ~~It shall be unlawful for any A person to~~ may not engage in the activities authorized by this license under this section without a current marine worm dealer's or other license issued under this Part authorizing the activities.

**2. Licensed activity.** The holder of a marine worm dealer's license may buy, possess, ship, transport or sell marine worms.

**3. License limited.** A license ~~shall only authorize~~ authorizes these activities at only one establishment or with only one vehicle.

**4. Supplemental license.** A supplemental license ~~shall~~ must be obtained for each additional establishment or vehicle.

**5. Eligibility.** The marine worm dealer's license ~~shall be~~ is a resident license.

**6. Fee.** The fee for a marine worm dealer's license is \$55 and the fee for a supplemental license is \$22.

**7. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-58. 12 MRSA §6854**, as amended by PL 1991, c. 591, Pt. T, §17, is further amended to read:

**§6854. Lobster transportation license**

**1. License required.** ~~It shall be unlawful for any A person to~~ may not engage in the activities authorized under this license by this section without a lobster transportation license.

**2. License activity.** The holder of a lobster transportation license may buy from a licensed wholesale seafood dealer and transport beyond the state limits lobsters or their parts or meat. Lobster parts or meat may ~~only~~ be transported only if they are properly permitted under section 6857 or lawfully imported.

**3. License limitations.** A license ~~shall only authorize~~ authorizes these activities with only one vehicle, ~~which is~~ owned, leased or rented by the license holder.

**4. Supplemental license.** A supplemental license ~~shall~~ must be obtained for each additional vehicle.

**5. Information required.** Each application ~~shall identify~~ must identify each vehicle or other mode of transportation to be used for transporting lobster.

**6. Fees.** The fee for a lobster transportation license is \$217 and the fee for a supplemental license is \$43.

**7. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-59. 12 MRSA §6855**, as amended by PL 1991, c. 591, Pt. T, §18, is further amended to read:

**§6855. Shellfish transportation license**

**1. License required.** ~~It shall be unlawful for any A person to~~ may not engage in the activities authorized under this license by this section without a shellfish transportation license.

**2. License activity.** The holder of a shellfish transportation license may buy certified shellfish and transport them beyond the state limits, to the extent these activities are expressly authorized by a shellfish certificate or its equivalent from another state.

**3. License limitations.** All shellfish transported under this license ~~shall~~ must be procured from a wholesale seafood licensee certified under section 6856. A license ~~shall only authorize~~ authorizes these activities with only one vehicle, ~~which is~~ owned, leased or rented by the license holder.

**4. Supplemental license.** A supplemental license ~~shall~~ must be obtained for each additional vehicle.

**5. Information required.** Each application ~~shall~~ must identify each vehicle or other mode of transportation to be used for transporting shellfish.

**6. Fees.** The fee for a shellfish transportation license is \$259 and the fee for a supplemental license is \$85.

**7. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-60. 12 MRSA §6857**, as amended by PL 1991, c. 591, Pt. T, §19, is further amended to read:

**§6857. Lobster meat permit**

**1. Permit required.** ~~It shall be unlawful for any~~ A person to may not engage in the activities authorized ~~by this license~~ under this section without a current lobster meat permit.

**2. Permitted activity.** A lobster meat permit authorizes a wholesale seafood license holder or a retail seafood license holder to remove lobster meat from the shell for sale, under the following conditions.

A. The meat ~~shall only may~~ be removed from the shell only at the establishment named in the permit.

B. The meat ~~shall only may~~ come from only legal-sized legal-sized lobsters.

C. Tail sections ~~shall must~~ be removed from the shell whole and intact and ~~shall must~~ be maintained in that state.

D. All containers in which lobster meat is packed after removal and ~~which that~~ are to be sold, shipped or transported ~~shall must~~ be clearly labeled with the lobster meat permit number of the packer.

**3. Exception.** ~~No A permit shall be is not~~ required to remove lobster meat for serving in hotels and restaurants ~~provided if~~ the meat is removed from the shell in a hotel or restaurant for serving on the premises.

**4. License limitation.** A permit ~~shall only authorize~~ authorizes these activities at only one location or place of business.

**5. Fee.** The fee for a lobster meat permit is \$110.

**6. Prima facie evidence meat removed for sale.** If any lobster meat ~~which that~~ has been removed from the shell is found on the premises of any establishment ~~which that~~ is engaged in the selling, serving, processing or transporting of food in any form for human consumption, it ~~shall be is~~ prima facie evidence that the meat was removed for sale.

**7. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-61. 12 MRSA §6862**, as amended by PL 1997, c. 84, §1, is further amended to read:

#### **§6862. Lobster tail permit**

**1. Current lobster tail permit.** ~~It is unlawful for any A person to may not~~ engage in the activities authorized ~~by a permit issued~~ under this section without a current lobster tail permit.

**2. Permitted activity.** A lobster tail permit authorizes a wholesale seafood license holder to remove a lobster tail from a lobster and to process that whole lobster tail or portions of that lobster tail under the following conditions.

A. The lobster tail or lobster tail portions may be processed only at the establishment named in the permit.

B. The lobster tail or lobster tail portions may ~~only~~ come from only a legal-sized legal-sized lobster, as defined in section 6431.

C. All containers in which lobster tails or lobster tail portions are packed to be sold, shipped or transported must be clearly labeled with the name, address and permit number of the packer.

**3. Permit limitation.** A permit ~~may only authorize~~ authorizes these activities at only one location or place of business.

**4. Rules.** The commissioner, in accordance with ~~the Maine Administrative Procedure Act, Title 5, chapter 375, may adopt such regulations as are determined~~ rules necessary for implementation and enforcement of this section. These ~~regulations~~ rules may include provisions for determining that lobster tails or lobster tail portions processed by a wholesale seafood license holder under this section were removed by that wholesale seafood license holder from legal-sized legal-sized lobsters and other provisions as may be determined necessary.

**6. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-62. 12 MRSA §6864, sub-§1**, as enacted by PL 1995, c. 536, Pt. A, §10 and affected by §13, is amended to read:

**1. License required.** ~~It is unlawful for a A person to may not~~ buy, possess, ship, transport or sell elvers without an elver dealer's license.

**Sec. B-63. 12 MRSA §6864, sub-§7** is enacted to read:

**7. Violation.** A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

**Sec. B-64. 12 MRSA §7001, sub-§13-A**, as amended by PL 1991, c. 443, §5, is repealed and the following enacted in its place:

**13-A. Habitual violator.** "Habitual violator" means any person whose record, as maintained by the department, shows that:

A. The person has been convicted of 3 or more of the prohibited acts contained in chapters 701 to 721 within the previous 5-year period, except that, whenever more than one prohibited act is violated at the same time, multiple convictions are deemed to be one offense; or

B. The person has been convicted of 2 or more Class E crimes pursuant to section 7002 within the previous 5-year period.

**Sec. B-65. 12 MRSA §7002** is enacted to read:

**§7002. Multiple civil violations**

The violation of a prohibited act under chapters 701 to 721 by a person who has 3 or more adjudications of having committed civil violations under chapters 701 to 721 within the previous 5-year period is a Class E crime.

**Sec. B-66. 12 MRSA §7061**, as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. B-67. 12 MRSA §7077, sub-§1**, as repealed and replaced by PL 1995, c. 346, §4 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**1. Conviction or adjudication of violation.**

Any conviction or adjudication for a violation of chapters 701 to 721 is grounds for suspension of any license or permit issued under this Part. Except where provided by law, the commissioner shall determine the suspension period. To suspend a license or permit based upon a conviction or adjudication, the commissioner shall follow the procedures under section 7077-B. Suspensions and revocations of a license by the District Court are subject to the provisions of section 7101, subsection 8.

**Sec. B-68. 12 MRSA §7077, sub-§1-A, ¶G**, as enacted by PL 1993, c. 136, §1, is amended to read:

G. ~~Hunting or possessing~~ Possessing caribou, in violation of section ~~7456-B~~ 7238;

**Sec. B-69. 12 MRSA §7077, sub-§1-B**, as amended by PL 1999, c. 320, §§2 and 3, is further amended to read:

**1-B. Mandatory fishing license revocation for certain violations.** The commissioner shall suspend a person's fishing license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted or adjudicated of a violation of one of the following:

A. Introducing fish into inland waters without a permit in violation of section 7371, subsection 3 as it applies to section 7203, subsection 1;

B. Taking or possessing sport fish in violation of bag, weight and size limits in violation of section 7604, as it relates to trout, salmon, togue and black bass, whenever the violation involves twice the bag and possession limit adopted by rule by the commissioner for that species of fish in that body of water;

C. Taking fish by jigging, in violation of section 7607;

D. Importing live bait fish or smelts, in violation of section 7613;

E. Buying or selling freshwater sport fish, in violation of section 7615; and

F. Taking fish by explosive, poisonous or stupefying substances, in violation of section 7617.

**Sec. B-70. 12 MRSA §7077-B, sub-§1**, as amended by PL 1997, c. 432, §16, is further amended to read:

**1. For mandatory suspensions.** For violations having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license holder must surrender the license immediately to the commissioner. That person is not entitled to a hearing under section 7077-D if the suspension period does not exceed the minimum period of suspension required by law. In addition to any suspension period ordered by the commissioner, a person whose license is suspended for a violation having a mandatory suspension must successfully complete an outdoor ethics course conducted or endorsed by the department prior to being eligible to have that license reinstated.

**Sec. B-71. 12 MRSA §7077-C**, as enacted by PL 1995, c. 346, §12, is amended to read:

**§7077-C. Notice of suspension**

A decision by the commissioner to suspend a license of a person convicted or adjudicated of a violation that does not carry a mandatory suspension must be made within 60 days after that conviction. The commissioner shall give written notice of all suspensions immediately following a decision to suspend. A notice of suspension must state the license or permit that is suspended and the effective date and length of the suspension and must inform the person of any applicable hearing provisions under section 7077-D.

**Sec. B-72. 12 MRSA §7077-D, sub-§2**, as enacted by PL 1995, c. 346, §12, is amended to read:

**2. Decisions.** Decisions of the commissioner must be in writing. Except as provided in subsection 3, the commissioner may reinstate the license or permit or reduce the suspension period if the commissioner finds that the person has not been convicted or adjudicated or that reinstatement of the license or permit or reduction of the suspension period would be in the best interests of justice.

**Sec. B-73. 12 MRSA §7078**, as amended by PL 1987, c. 317, §5, is further amended to read:

**§7078. Refusal to issue license or permit**

If any person is convicted or adjudicated of a violation of any provision of chapters 701 to 721 and is not the holder of a valid license or permit issued under chapters 701 to 721, the commissioner may refuse to issue a related license or permit to that person for up to 5 years following the date of conviction or adjudication, except when the killing or wounding of a human being has occurred, in which case the commissioner may revoke the license or permit for a period of not less than 5 years.

**Sec. B-74. 12 MRSA §7079**, as amended by PL 1987, c. 317, §6, is further amended to read:

**§7079. License revocation of habitual violator**

**1. Conviction or adjudication of violation.** If ~~any~~ a habitual violator, as defined in section 7001, subsection 13-A, is convicted or adjudicated of a violation of any provision of chapters 701 to 721, the commissioner shall revoke all licenses and permits held by that person. ~~No~~ A license may not be granted to that person for a period to be determined by the commissioner, but not less than 3 years from the date of revocation.

**2. Hearing provisions.** A hearing for a person whose licenses and permits have been revoked under this section is governed by this subsection.

A. ~~Any~~ A person whose licenses and permits have been revoked under this section may, within 30 days of the effective date of the revocation, petition for a hearing before the commissioner to show cause why ~~his~~ the licenses and permits should not have been revoked.

B. If, after the hearing, the commissioner finds that the ~~person's~~ petitioner's record does not bring ~~him~~ the petitioner within the definition of an habitual violator, the commissioner shall rescind the revocation ~~shall be rescinded~~. If the commissioner finds that the ~~person's~~ petitioner's record does bring ~~him~~ the petitioner within the

definition of an habitual violator, the revocation ~~shall remain~~ remains in effect. If the petitioner denies any of the facts contained in the record, ~~he~~ the petitioner has the burden of proof.

**Sec. B-75. 12 MRSA §7365, sub-§1**, as enacted by PL 1983, c. 502, §4, is amended to read:

**1. Requirement.** A commercial whitewater outfitter's license is required for all commercial whitewater outfitters. ~~Operation of a commercial whitewater trip by an~~ An outfitter may not operate a commercial whitewater trip without a license ~~is prohibited, and is subject to penalty under section 7370-A.~~

**Sec. B-76. 12 MRSA §7368-A, sub-§2**, as enacted by PL 1989, c. 883, §10, is amended to read:

**2. Reporting.** Each outfitter shall report monthly to the department the number of passengers carried each day on each rapidly flowing river. This report must be accurate and submitted by the 30th day of the month following the month in which the passengers were carried. ~~Inaccurate reporting or failure to report may subject the outfitter to the penalties in section 7370-A.~~

**Sec. B-77. 12 MRSA §7370-A**, as amended by PL 1983, c. 786, §10, is repealed.

**Sec. B-78. 12 MRSA §7406, sub-§3**, as amended by PL 1995, c. 679, §3, is further amended to read:

**3. Hunting while under the influence of intoxicating liquor or drugs.** A person commits the crime of hunting while under the influence of intoxicating liquor or drugs if that person hunts wild animals or wild birds:

A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;

B. For a person 21 years of age or older, while having 0.08% or more by weight of alcohol in that person's blood; or

C. For a person less than 21 years of age, while having any amount of alcohol in the blood.

~~Hunting while under the influence of intoxicating liquor or drugs is a Class D crime.~~

**Sec. B-79. 12 MRSA §7456-B**, as enacted by PL 1979, c. 543, §43, is repealed.

**Sec. B-80. 12 MRSA §7541, sub-§3**, as enacted by PL 1983, c. 366, is repealed.

**Sec. B-81. 12 MRSA §7801, sub-§9**, as amended by PL 1995, c. 679, §5, is further amended to read:

**9. Operating watercraft while under the influence of intoxicating liquor or drugs.** A person commits the crime of operating a watercraft while under the influence of intoxicating liquor or drugs if that person operates or attempts to operate any watercraft:

- A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;
- B. For a person 21 years of age or older, while having 0.08% or more by weight of alcohol in that person's blood; or
- C. For a person less than 21 years of age, while having any amount of alcohol in the blood.

~~Operating a watercraft while under the influence of intoxicating liquor or drugs is a Class D crime.~~

**Sec. B-82. 12 MRSA §7801, sub-§28**, as amended by PL 1987, c. 196, §2, is further amended to read:

**28. Failure to display an excise tax decal.** ~~An~~ The owner of a watercraft ~~who fails to shall~~ display the excise tax decal, as required by Title 36, chapter 112, ~~commits a civil violation for which a forfeiture, payable to the municipality where the watercraft is subject to excise tax, of not less than \$25 nor more than \$250 shall be adjudged.~~ In all cases where the owner of a watercraft fails to display an excise tax decal as required under Title 36, chapter 112, the law enforcement officer discovering the failure shall notify the tax collector of the owner's residence or, in the case of nonresidents, partnerships or corporations, foreign or domestic, the tax collector of the municipality where the watercraft is principally moored, docked or located or has its established base of operations.

**Sec. B-83. 12 MRSA §7801, sub-§29**, as enacted by PL 1987, c. 196, §3, is amended to read:

**29. Failure to maintain a list or to make lists available.** ~~Where a~~ A marina or boat yard owner ~~fails to shall~~ maintain the list required by Title 36, section 1504, subsection 9, ~~or fails to and~~ make that list available as required by that section, ~~he commits a civil violation for which a forfeiture of not less than \$25 nor more than \$250 shall be adjudged.~~

**Sec. B-84. 12 MRSA §7827, sub-§9**, as amended by PL 1995, c. 679, §6, is further amended to read:

**9. Operating a snowmobile while under the influence of intoxicating liquor or drugs.** A person commits the crime of operating a snowmobile while under the influence of intoxicating liquor or drugs if that person operates or attempts to operate any snowmobile:

- A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;
- B. For a person 21 years of age or older, while having 0.08% or more by weight of alcohol in that person's blood; or
- C. For a person less than 21 years of age, while having any amount of alcohol in the blood.

~~Operating a snowmobile while under the influence of intoxicating liquor or drugs is a Class D crime.~~

**Sec. B-85. 12 MRSA §7856, sub-§2**, as enacted by PL 1983, c. 297, §§1 and 3, is amended to read:

**2. Stop and identify requirement.** ~~Any~~ A person operating an ATV upon the land of another shall stop and identify ~~himself the person~~ upon the request of the landowner or ~~his the landowner's~~ duly authorized representative. ~~Any~~ A person in violation ~~shall~~ must be held accountable to the owner under existing laws and the penalty provided in Title 12, section ~~7901~~ 7901-A.

**Sec. B-86. 12 MRSA §7857, sub-§10**, as amended by PL 1995, c. 679, §9, is further amended to read:

**10. Operating an ATV while under the influence of intoxicating liquor or drugs.** A person commits the crime of operating an ATV while under the influence of intoxicating liquor or drugs if that person operates or attempts to operate any ATV:

- A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs;
- B. For a person 21 years of age or older, while having 0.08% or more by weight of alcohol in that person's blood; or
- C. For a person less than 21 years of age, while having any amount of alcohol in the blood.

~~Operating an ATV while under the influence of intoxicating liquor or drugs is a Class D crime.~~

**Sec. B-87. 12 MRSA §7901**, as amended by PL 1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, is repealed.

**Sec. B-88.** 12 MRSA §7901-A is enacted to read:

**§7901-A. Penalties**

A person who violates a provision of chapters 701 to 721 commits a Class E crime, except as provided in this section.

**1. Violations of chapter 703.** The following violations are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged:

A. Defacement of notices as described in section 7036, subsection 2; and

B. Trapping by certain department employees as described in section 7036, subsection 5.

**2. Violations of chapter 705, subchapter III.** The following violations are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged:

A. Illegal disposal of offal or littering as described in section 7064.

**3. Civil violations of chapter 707, subchapter X-A.** Violations of chapter 707, subchapter X-A are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged, except that the following are Class E crimes:

A. Operation of a commercial whitewater trip without a license as described in section 7365; and

B. Operation of a commercial whitewater trip on the river in violation of the safety requirements of section 7367, subsection 1.

The penalties for failure to comply with or for providing false information under chapter 707, subchapter X-A include nonrenewal, revocation or suspension of an outfitter's or guide's license or an allocation or both, subject to the procedures of Title 5, chapter 375.

**4. Civil violations of chapter 707, subchapter XI.** The following violations of chapter 707, subchapter XI are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged:

A. License restriction violation as described in section 7371, subsection 1, relating to the following licenses:

(1) Commercial shooting area license under section 7104;

(2) Trapping license under section 7133;

(3) Eel permit for licensed trappers under section 7174;

(4) License to sell commercially grown or imported fish under section 7201;

(5) Special dog training area license under section 7331;

(6) License to hold field trials under section 7332;

(7) Hide dealer's license under section 7352;

(8) Special hide dealer's license under section 7352-A;

(9) Snowmobile dealer's registration and license under section 7825; and

(10) ATV dealer's registration and license under section 7855;

B. License privilege violation as described in section 7371, subsection 2;

C. Guide client in violation as described in section 7371-A, subsection 1 if the violation committed by the client is a civil violation;

D. Guide fails to report violation by client as described in section 7371-A, subsection 2;

E. Guide party of more than 12 on inland waters, as described in section 7371-A, subsection 3;

F. Purchase of live smelts from unlicensed dealer as described in section 7371-B; and

G. Unlawfully hiring a guide as described in section 7376-A.

**5. Criminal violations of chapter 707, subchapter XI.** The following violations of chapter 707, subchapter XI are criminal violations.

A. Failure to have license or permit as described in section 7371, subsection 3, as it applies to section 7203, subsection 1 is a Class E crime, except that, notwithstanding Title 17-A, section 1301, the fine may not be less than \$1,000 nor more than \$10,000.

B. Guiding without a license as described in section 7371, subsection 3, as it applies to section 7311, subsection 1, is a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment of 3 days, none of which may be suspended. The

court shall also impose a fine of \$1,000, none of which may be suspended.

C. Failure to have a license or permit as described in section 7371, subsection 3, is a Class E crime for which the minimum fine is \$50 plus an amount equal to twice the applicable license fee, none of which may be suspended.

**6. Civil violations of chapter 709.** The following violations of chapter 709 are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged, unless otherwise specified:

A. Chapter 709, subchapter I violations:

(1) Shooting at or near wildfowl decoys as described in section 7406, subsection 11;

(2) Hunting without hunter orange clothing as described in section 7406, subsection 12; and

(3) Allowing a junior hunter to hunt without adult supervision as described in section 7406, subsection 21;

B. Chapter 709, subchapter II violations:

(1) Trapping near compact, built-up portion of city or village as described in section 7432, subsection 6; and

(2) Failure to label traps as described in section 7432, subsection 9;

C. Chapter 709, subchapter III violations:

(1) Hunting or trapping bear near dumps as described in section 7452, subsection 5;

(2) Leaving a bear as described in section 7452, subsection 8;

(3) Failure to attach a bear tag to a bear as described in section 7452, subsection 11;

(4) Illegally transporting bear as described in section 7452, subsection 13;

(5) Transporting bear out of the State as described in section 7452, subsection 14;

(6) Hunting migratory game birds without certification as described in section 7456, subsection 1-A;

(7) Hunting waterfowl on Haley Pond as described in section 7456, subsection 2;

(8) Transporting deer out of the State as described in section 7458, subsection 12;

(9) Hunting deer with .22 caliber rim fire cartridge as described in section 7458, subsection 13;

(10) Use of firearm in the Town of Southport as described in section 7458, subsection 14;

(11) Transporting wild hares or rabbits out of the State as described in section 7462, subsection 3;

(12) Possessing or transporting wild hares or rabbits as described in section 7462, subsection 4;

(13) Failure to attach a moose tag to a moose as described in section 7464, subsection 6;

(14) Use of illegal firearms as described in section 7464, subsection 8-A;

(15) Illegal hunting methods as described in section 7464, subsection 8-C;

(16) Failure to attach a wild turkey tag to a wild turkey as described in section 7469, subsection 7;

(17) Use of illegal weapons or ammunition as described in section 7469, subsection 11; and

(18) Taking of snakes and turtles from the wild for commercial purposes as described in section 7471;

D. Chapter 709, subchapter IV violations:

(1) Failure to report an accident with deer, moose or bear as described in section 7505, subsection 1;

(2) Removing a portion of carcass as described in section 7505, subsection 2; and

(3) Failure to restrain or control a nuisance dog as described in section 7505, subsection 3, except that a forfeiture of not less than \$500 nor more than \$1,000, none of which may be suspended, may be adjudged for failure to restrain a nuisance dog as described in section 7505, subsection 3, paragraph A or B; and

E. Chapter 709, subchapter V violations:

(1) Transportation of wild animal or bird as described in section 7535, subsection 1.

**7. Criminal violations of chapter 709.** The following violations of chapter 709 are criminal violations.

**A.** A person is guilty of buying or selling wild birds or wild animals if that person:

- (1) Buys or sells bear in violation of section 7452, subsection 9;
- (2) Sells wild birds in violation of section 7456, subsection 5;
- (3) Buys or sells deer in violation of section 7458, subsection 3;
- (4) Buys or sells moose in violation of section 7464, subsection 8; or
- (5) Buys or sells wild turkey in violation of section 7469, subsection 9.

Buying or selling wild birds or wild animals is a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment of not less than 10 days for a first offense, none of which may be suspended, and not less than 20 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

**B.** Failure to aid injured person or report a hunting accident as described in section 7406, subsection 15 is a Class C crime.

**C.** The following crimes are Class D crimes for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days; the court also shall impose a fine of not less than \$1,000, none of which may be suspended:

- (1) Hunting a bear during the closed season or possessing a bear taken during the closed season as described in section 7406, subsection 1;
- (2) Hunting or trapping a bear after having killed one, as described in section 7452, subsection 3; and
- (3) Exceeding the bag limit on bears as described in section 7452, subsection 4.

**D.** The following crimes are Class D crimes 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, 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 \$1,000, none of which may be suspended:

- (1) Hunting a deer during the closed season or possessing a deer taken during the closed season as described in section 7406, subsection 1;
- (2) Night hunting for wild animals or wild birds as described in section 7406, subsection 5;
- (3) Illegally possessing wild animals or wild birds as described in section 7406, subsection 10 when the wild animal or bird was taken in violation of section 7406, subsection 5;
- (4) Exceeding the bag limit on deer as described in section 7458, subsection 1;
- (5) Hunting deer after having killed one as described in section 7458, subsection 2;
- (6) Illegally hunting moose as described in section 7464, subsection 1; and
- (7) Illegally possessing moose as described in section 7464, subsection 2.

**E.** The following are Class E crimes for which the court shall impose a fine of not less than \$500, none of which may be suspended:

- (1) Illegally hunting wild turkeys as described in section 7469, subsection 1; and
- (2) Illegally possessing wild turkeys as described in section 7469, subsection 2.

The court also shall impose a fine of \$500 for each turkey illegally possessed or killed, none of which may be suspended.

**8. Civil violations of chapter 710.** The following violations of chapter 710 are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged, unless otherwise specified:

**A.** Interference with taking as described in section 7541, subsection 1; and

**B.** Disturbing wild animals, wild birds or fish as described in section 7541, subsection 2.

**9. Civil violations of chapter 711.** The following violations of chapter 711 are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged:



A. Sale of bait or baitfish in polystyrene foam containers as described in section 7606, subsection 1-A;

B. Failure to label baitfish traps or baitfish holding boxes as described in section 7606, subsection 2;

C. Failure to check baitfish traps as described in section 7606-B;

D. Illegal sale of lead sinkers as described in section 7608-A;

E. Fishing with more than 2 lines as described in section 7611;

F. Illegal importation or sale of certain fresh or frozen fish as described in section 7616;

G. Advance baiting as described in section 7622;

H. Unlawfully trolling a fly as described in section 7623;

I. Failure to label fish as described in section 7625;

J. Night ice fishing as described in section 7626;

K. Leaving an ice fishing shack as described in section 7627;

L. Illegally placing an ice fishing shack as described in section 7627-A;

M. Failure to label an ice fishing shack as described in section 7628; and

N. Violation of an ice fishing restriction as described in section 7629 that is based on an open water restriction that is a civil violation.

**10. Criminal violations of chapter 711.** The following violations of chapter 711 are criminal violations.

A. Except as provided in subsection 9, a fishing violation as described in chapter 711, subchapter III is a Class E crime. The court also shall impose a fine of \$20 for each fish illegally possessed, none of which may be suspended. If the violation is illegal fishing of Atlantic salmon, in violation of section 7603, the court also shall impose a fine of \$500 per fish, none of which may be suspended.

**11. Civil violations of chapter 713.** The following violations of chapter 713 are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged:

A. Chapter 713, subchapter I violations:

(1) Using a motorboat within Merrymeeting Bay Game Sanctuary as described in section 7654, subsection 4;

(2) Carrying a loaded firearm on the bounds of Limington, Hollis and Waterboro Sanctuary as described in section 7654, subsection 5;

(3) Carrying a loaded firearm on the bounds of Standish Sanctuary as described in section 7654, subsection 6;

(4) Fishing in Carleton Pond as described in section 7654, subsection 7; and

(5) Acts in violation of rules or regulations of the Maine Indian Tribal-State Commission as described in section 7655;

B. Chapter 713, subchapter II violations:

(1) Tampering with a screen as described in section 7674, subsection 1;

C. Chapter 713, subchapter III violations:

(1) Tampering with a fishway as described in section 7702, subsection 1;

(2) Building a dam without notice as described in section 7702, subsection 2; and

(3) Tampering with a dam as described in section 7702, subsection 3;

D. Chapter 713, subchapter IV violations:

(1) Keeping a wild animal in captivity as described in section 7736, subsection 1;

(2) Hunting on a state game farm as described in section 7736, subsection 2; and

(3) Hunting in a licensed wildlife exhibit as described in section 7736, subsection 3; and

E. Chapter 713, subchapter VI violations:

(1) Certain stocking of alewives prohibited as described in section 7775, subsection 1.

**12. Violations of chapter 715.** The following violations of chapter 715 are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged, unless otherwise provided:

A. Chapter 715, subchapter I violations:

(1) Operating a motorboat without a certificate of number as described in section 7801, subsection 1;

- (2) Operating a motorboat without identification number or validation stickers as described in section 7801, subsection 2;
- (3) Illegal operation of watercraft on inland waters without a holding tank or with a holding tank with through-hull fittings as described in section 7801, subsection 2-A;
- (4) Violation of license, permit or certificate restriction as described in section 7801, subsection 3;
- (5) Holding a regatta, race, boat exhibition or water-ski exhibition without a permit as described in section 7801, subsection 4;
- (6) Unlawfully crossing the area of an authorized regatta, race, boat exhibition or water-ski exhibition as described in section 7801, subsection 5;
- (7) Operating a motorboat carrying passengers for hire without a certificate of number as described in section 7801, subsection 6;
- (8) Leasing or renting a motorboat without a certificate of number as described in section 7801, subsection 6-A;
- (9) Operating a motorboat carrying passengers for hire without an operator's license to carry passengers for hire as described in section 7801, subsection 7;
- (10) Imprudent operation of a watercraft as described in section 7801, subsection 11-A;
- (11) Operating a motorboat in bathing areas as described in section 7801, subsection 12;
- (12) Operating a motorboat while under age as described in section 7801, subsection 13;
- (13) Operating a personal watercraft while under age as described in section 7801, subsection 13-A;
- (14) Operating a watercraft to molest wild animals or wild birds as described in section 7801, subsection 14;
- (15) Operating a motorboat without a muffler as described in section 7801, subsection 15;
- (16) Operating a watercraft without proper safety equipment as described in section 7801, subsection 16;
- (17) Failure to report a watercraft accident as described in section 7801, subsection 19;
- (18) Illegally operating a motorboat in a prohibited area as described in section 7801, subsection 20;
- (19) Operating an airmobile upon a public way as described in section 7801, subsection 21;
- (20) Failure to stop an airmobile before entering a public way as described in section 7801, subsection 22;
- (21) Failure to yield right-of-way while operating an airmobile as described in section 7801, subsection 23;
- (22) Operating an airmobile that exceeds the noise limit as described in section 7801, subsection 24;
- (23) Operating an airmobile on railroad tracks as described in section 7801, subsection 25;
- (24) Operating an airmobile too close to certain buildings as described in section 7801, subsection 26;
- (25) Failure to display an excise tax decal as described in section 7801, subsection 28, for which the forfeiture may not be less than \$25 nor more than \$250 and must be paid to the municipality where the watercraft is subject to excise tax;
- (26) Failure to maintain a list or make a list available as described in section 7801, subsection 29, for which the forfeiture may not be less than \$25 nor more than \$250;
- (27) Failure to comply with additional safety requirements while operating a personal watercraft as described in section 7801, subsection 30;
- (28) Unlawfully permitting operation of a watercraft as described in section 7801, subsection 31;
- (29) Unlawfully operating a watercraft within the water safety zone as described in section 7801, subsection 32;
- (30) Operating an airmobile or motorboat that exceeds noise limits as described in section 7801, subsection 33;

(31) Tampering with a motorboat muffler system as described in section 7801, subsection 34;

(32) Illegally operating a personal watercraft in a prohibited area as described in section 7801, subsection 35; and

(33) Operating a rented or leased personal watercraft without an identification decal as described in section 7801, subsection 36;

**B. Chapter 715, subchapter II violations:**

(1) Operating an unregistered snowmobile as described in section 7827, subsection 1;

(2) Operating a snowmobile upon a controlled access highway as described in section 7827, subsection 2;

(3) Unlawfully operating a snowmobile on a plowed road as described in section 7827, subsection 3;

(4) Operating a snowmobile on a public way as described in section 7827, subsection 4;

(5) Unlawfully operating a vehicle on a snowmobile trail as described in section 7827, subsection 4-A;

(6) Failure to stop a snowmobile before entering a public way as described in section 7827, subsection 5;

(7) Failure to yield the right-of-way while operating a snowmobile as described in section 7827, subsection 6;

(8) Crossing a closed bridge, culvert, overpass or underpass with a snowmobile as described in section 7827, subsection 7;

(9) Unlawfully operating a snowmobile while under age as described in section 7827, subsection 12;

(10) Permitting an unaccompanied child to operate a snowmobile as described in section 7827, subsection 13;

(11) Operating a snowmobile that exceeds the noise limit as described in section 7827, subsection 14;

(12) Unlawfully modifying a snowmobile as described in section 7827, subsection 15;

(13) Operating a snowmobile with insufficient lights as described in section 7827, subsection 16;

(14) Failure to use snowmobile lights as described in section 7827, subsection 17;

(15) Unlawfully operating a snowmobile on railroad tracks as described in section 7827, subsection 18;

(16) Operating a snowmobile in a cemetery as described in section 7827, subsection 19;

(17) Operating a snowmobile too close to certain buildings as described in section 7827, subsection 20;

(18) Unlawfully permitting operation of a snowmobile as described in section 7827, subsection 21;

(19) Failure to report an accident as described in section 7827, subsection 22;

(20) Unlawful issuance of snowmobile registration as described in section 7827, subsection 24;

(21) Renting or leasing a snowmobile as described in section 7827, subsection 26; and

(22) Renting or leasing a personal watercraft as described in section 7827, subsection 27;

**C. Chapter 715, subchapter IV violations:**

(1) Operating an unregistered ATV as described in section 7857, subsection 1;

(2) Failure to display ATV registration numbers as described in section 7857, subsection 1-A;

(3) Operating an ATV upon a controlled access highway as described in section 7857, subsection 2;

(4) Unlawfully operating an ATV on a snowmobile trail as described in section 7857, subsection 3;

(5) Unlawfully operating an ATV on a private road as described in section 7857, subsection 4;

(6) Operating an ATV on a public way as described in section 7857, subsection 5;

(7) Failure to stop an ATV before entering a public way as described in section 7857, subsection 6;

(8) Failure to yield the right-of-way while operating an ATV as described in section 7857, subsection 7;

(9) Crossing a closed bridge, culvert, overpass or underpass with an ATV as described in section 7857, subsection 8;

(10) Operating an ATV while under age as described in section 7857, subsection 13;

(11) Operating an ATV without certificate of training as described in section 7857, subsection 13-A;

(12) Operating an ATV without protective headgear as described in section 7857, subsection 13-B;

(13) Carrying a passenger on an ATV without headgear as described in section 7857, subsection 13-C;

(14) Permitting an unaccompanied child to operate an ATV as described in section 7857, subsection 14;

(15) Permitting a child under 10 years of age to operate an ATV as described in section 7857, subsection 14-A;

(16) Operating an ATV without a muffler as described in section 7857, subsection 15;

(17) Operating an ATV with insufficient lights as described in section 7857, subsection 16;

(18) Failure to use ATV lights as described in section 7857, subsection 17;

(19) Unlawfully operating an ATV on railroad tracks as described in section 7857, subsection 18;

(20) Operating an ATV too close to certain buildings as described in section 7857, subsection 20;

(21) Unlawfully permitting operation of ATV as described in section 7857, subsection 21;

(22) Failure to report an ATV accident as described in section 7857, subsection 22;

(23) Operating an ATV in a prohibited area as described in section 7857, subsection 22-A;

(24) Operating an ATV on cropland or pastureland as described in section 7857, subsection 23; and

(25) Selling an ATV without lights as described in section 7857, subsection 25.

**13. Criminal violations of chapter 715.** The following violations of chapter 715 are Class D crimes:

A. Reckless operation of watercraft as described in section 7801, subsection 8;

B. Reckless operation of a snowmobile as described in section 7827, subsection 8; and

C. Reckless operation of an all-terrain vehicle as described in section 7857, subsection 9.

**14. Civil violations of chapter 717.** The following violations of chapter 717 are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged:

A. Possessing a firearm while training dogs as described in section 7863, subsection 1;

B. Hunting on a licensed dog training area as described in section 7863, subsection 2;

C. Misuse of a licensed dog training area as described in section 7863, subsection 3; and

D. Illegal use of a firearm during training or field trials as described in section 7863, subsection 4.

**15. Penalties for hunting or attempting to hunt and operating or attempting to operate a watercraft, snowmobile or all-terrain vehicle while under the influence of intoxicating liquor or drugs.** The offenses defined in section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; and section 7857, subsection 10 are Class D crimes. In determining an appropriate sentence, refusal to submit to a chemical test must in every case be an aggravating factor. In the following cases the following minimum penalties apply.

A. In the case of a person having no previous convictions of a violation of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 within the previous 6-year period, the fine may not be less than \$400. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-alcohol test under section

7408, 7805, 7828 or 7860, the fine may not be less than \$500. A conviction under this paragraph must include a period of incarceration of not less than 48 hours, none of which may be suspended, when the person:

(1) Was tested as having a blood-alcohol level of 0.15% or more;

(2) Failed or refused to stop upon request or signal of an officer in uniform, as defined in section 6953 or 7060, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more; or

(3) Failed to submit to a chemical test to determine that person's blood-alcohol level or drug concentration, requested by a law enforcement officer on the occasion that resulted in the conviction.

B. In the case of a person having one previous conviction of a violation of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 within the previous 6-year period, the fine may not be less than \$600. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-alcohol or drug concentration test under section 7408, 7805, 7828 or 7860, the fine may not be less than \$800. A conviction under this paragraph must include a period of incarceration of not less than 7 days, none of which may be suspended.

C. In the case of a person having 2 or more previous convictions of violations of section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; or section 7857, subsection 10 within the previous 6-year period, the fine may not be less than \$1,000. If that person was adjudicated within the previous 6-year period for failure to comply with the duty to submit to and complete a blood-alcohol or drug concentration test under section 7408, 7805, 7828 or 7860, the fine may not be less than \$1,300. A conviction under this paragraph must include a period of incarceration of not less than 30 days, none of which may be suspended.

D. In addition to the penalties provided under paragraphs A to C, the court may order the defendant to participate in the alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of

Substance Abuse, as established in Title 5, chapter 521.

E. The penalties provided under paragraphs B, C and D may not be suspended by the court.

F. If the State pleads and proves that, while hunting or operating a snowmobile, all-terrain vehicle or watercraft in violation of this section, the defendant in fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23, to another person or in fact caused the death of another person, the sentencing class for the offenses in section 7406, subsection 3; section 7801, subsection 9; section 7827, subsection 9; and section 7857, subsection 10 are Class C crimes. The minimum penalties specified in this subsection apply, unless a longer minimum period otherwise applies.

Any alternatives defined in section 7406, subsection 3; section 7801, subsection 9, paragraphs A and B; section 7827, subsection 9; and section 7857, subsection 10 may be pleaded in the alternative. The State may, but is not required to, elect prior to submission to the fact finder.

For purposes of this subsection, a prior conviction has occurred within the 6-year period if the date of docket entry by the clerk of a judgment of conviction or adjudication is 6 years or less from the date of the new conduct that is penalized or for which the penalty is or may be enhanced.

In determining the appropriate sentence, the court shall consider the defendant's record of convictions for hunting or operating a snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicating liquor or drugs and for failure to comply with the duty to submit. The court may rely upon oral representations based on records maintained by the courts, by the Department of Public Safety, State Bureau of Identification; by the Secretary of State, including telecommunications of records maintained by the Secretary of State; or by the Department of Inland Fisheries and Wildlife. If the defendant disputes the accuracy of any representation concerning a conviction or adjudication, the court shall grant a continuance for the purposes of determining the accuracy of the record.

References in this Title to this subsection are determined also to refer to the juvenile crime stated in Title 15, section 3103, subsection 1, paragraph E and to the disposition, including a suspension, for that juvenile crime as provided in Title 15, section 3314, subsection 3, except as otherwise provided or when the context clearly requires otherwise.

**16. Penalties for failure to comply with duty to submit.** The offenses defined in section 7406, subsection 3-A; section 7801, subsection 9-A; section

7827, subsection 9-A and section 7857, subsection 10-A are civil violations for which a forfeiture of up to \$500 may be adjudged.

**17. Habitual violators.** When an habitual violator, as defined in section 7001, subsection 13-A, is convicted of a crime in chapters 701 to 721 the court shall impose a sentencing alternative involving not less than 3 days imprisonment, none of which may be suspended, and a fine of not less than \$500, none of which may be suspended.

**18. Rule violations.** Violations of rules adopted pursuant to chapters 701 to 721, as set out in this subsection are civil violations for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged:

A. A violation of a rule regulating open water fishing and ice fishing, except a rule implementing a statute the violation of which is a Class E crime;

B. A violation of a rule regulating state-owned wildlife management areas;

C. A violation of a rule regulating scientific collection permits;

D. A violation of a rule regulating snowmobiles;

E. A violation of a rule regulating the protection and safety of spectators at snowmobile races;

F. A violation of a rule regulating all-terrain vehicles;

G. A violation of a rule regulating watercraft;

H. A violation of a rule regulating commercial whitewater rafting, except that a violation of a rule establishing safety restrictions for whitewater trips adopted pursuant to section 7367, subsection 1 is a Class E crime;

I. A violation of a rule regulating state game farms;

J. A violation of a rule regulating the operation of motor vehicles on public water supplies;

K. A violation of a rule regulating taxidermy;

L. A violation of a rule regulating hunting and fishing license agents;

M. A violation of a rule regulating camp trip leader permits and course instructor certificates; and

N. A violation of a rule regulating licensed guides.

**Sec. B-89. 12 MRSA §7910, sub-§1, ¶A**, as amended by PL 1989, c. 918, Pt. D, §13 and affected by §20, is further amended to read:

A. All fees, fines, penalties, officers' costs and all other money received, collected or recovered by the court or the department under any provisions of chapters 701 to 721, except section 7109; sections 7361 to ~~7370-A~~ 7370; sections 7751 to 7756; section 7800, subsection 3; section 7824, subsection 3; and section 7854, subsection 4;

**Sec. B-90. 24-A MRSA §2168, sub-§3**, as amended by PL 1973, c. 585, §12, is further amended to read:

**3. Violation.** ~~Any A person violating who violates~~ this section shall be punished by a fine of not more than \$100 or by imprisonment of not more than 60 days, or by both; and if he holds a license from the superintendent, he shall forfeit the same commits a civil violation and is subject to civil penalties and other remedies as provided in section 12-A. The Superior Court, on complaint by any person that this section is being violated, may issue an injunction against ~~such~~ the violation and may hold in contempt and punish therefor in case of disregard of ~~such~~ the injunction.

**Sec. B-91. 24-A MRSA §4138, first ¶**, as enacted by PL 1969, c. 132, §1, is amended to read:

~~No A person shall~~ may not cause or permit to be made, issued or circulated in any form:

**Sec. B-92. 24-A MRSA §4138, last ¶**, as amended by PL 1991, c. 797, §10, is further amended to read:

~~Any A person who violates any provision of this section or knowingly receives any compensation or commission by or in consequence of such violation commits a Class E crime and is in civil violation and is subject to civil penalties and other remedies as provided in section 12-A. In addition, the person is liable for a civil penalty in the amount of 3 times the sum received by such violator as compensation or commission, which penalty may be sued for and recovered by any person or society aggrieved for that person's or society's own use and benefit in accordance with the provisions of civil practice.~~

**Sec. B-93. 32 MRSA §228**, as amended by PL 1983, c. 413, §12 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

### §228. Penalties

~~Violation of A person who violates~~ any provision of this chapter shall be a Class E crime punishable by

~~a fine for which a penalty has not been prescribed commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500, or by imprisonment for not more than 3 months, or by both \$1,000 may be adjudged.~~

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in the District Court or whether criminal proceedings have been or may be instituted.~~

**Sec. B-94. 32 MRSA §1094**, as amended by PL 1993, c. 600, Pt. A, §77, is further amended to read:

#### **§1094. Penalties**

A person who violates a provision of this chapter, for the violation of which a penalty has not been prescribed, commits a Class E crime civil violation for which a forfeiture of not more than \$1,000 may be adjudged. ~~The several prosecuting officers of this State, on notice from a member of the board, shall institute prosecutions for offenses under this chapter.~~

**Sec. B-95. 32 MRSA §1256**, as amended by PL 1995, c. 355, §4 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

#### **§1256. Violations; penalties; injunction**

A person who practices or offers to practice the profession of engineering in this State without being registered or exempted in accordance with this chapter, or a person presenting or attempting to use the certificate of registration or the seal of another, or a person who gives a false or forged evidence of any kind to the board or to a member of the board in obtaining a certificate of registration, or a person who falsely impersonates any other registrant of like or different name, or a person who attempts to use an expired or revoked certificate of registration, or a person who violates any of the provisions of this chapter for which a penalty has not been prescribed commits a Class E crime civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

The State may bring an action in Superior Court to enjoin a person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in the District Court or whether criminal proceedings have been or may be instituted.~~

~~It is the duty of all duly constituted officers of the law of this State or any political subdivision of this State to enforce this chapter and to prosecute any persons violating the provisions of this chapter. The Attorney General or a designated assistant shall act as~~

~~legal adviser of the board and render such legal assistance as may be necessary in carrying out this chapter.~~

**Sec. B-96. 32 MRSA §1660-E**, as repealed and replaced by PL 1983, c. 413, §86 and as amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

#### **§1660-E. Violations**

~~Any A~~ person who violates any provision of this chapter or any of the rules of the board is guilty of a Class E crime for which a penalty has not been prescribed commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in the District Court or whether criminal proceedings have been or may be instituted.~~

**Sec. B-97. 32 MRSA §2106**, as amended by PL 1993, c. 600, Pt. A, §117, is further amended to read:

#### **§2106. Criminal violations; penalties**

It is a crime for any person, including a corporation, or association or individual, to:

**1. Fraudulent diploma or record.** Sell or fraudulently obtain or furnish a nursing diploma, license, renewal or record or provide aid in doing so;

**2. Fraudulent license.** Practice nursing as defined by this chapter under cover of a diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

**3. Practice without license.** Practice professional nursing or practical nursing as defined by this chapter unless licensed to do so;

**4. Implying license.** Use in connection with the person's name a designation tending to imply that the person is a licensed registered nurse or a licensed practical nurse unless so licensed under this chapter;

**5. License suspended or revoked.** Practice professional nursing or practical nursing during the time the person's license issued under this chapter is suspended or revoked; or

~~**6. Violation of chapter.** Otherwise violate provisions of this chapter.~~

A person who violates this section commits a Class E crime.

The District Court has original and concurrent jurisdiction with the Superior Court over all prosecutions for violation of this chapter. All fines and forfeitures collected under this chapter must accrue to the county where the offense is prosecuted. It is necessary to prove in a prosecution or hearing under this section only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation. These crimes are prosecuted by the district attorney.

**Sec. B-98. 32 MRSA §2106-A** is enacted to read:

**§2106-A. Civil violations; penalties**

A person who violates any provision of this chapter for which a penalty is not prescribed commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

**Sec. B-99. 32 MRSA §4919**, as repealed and replaced by PL 1983, c. 413, §185 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**§4919. Penalties; injunction**

A person who violates any of the provisions of this chapter is ~~guilty of a Class E crime~~ for which a penalty has not been prescribed commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in the District Court or whether criminal proceedings have been or may be instituted.~~

**Sec. B-100. 32 MRSA §6031**, as repealed and replaced by PL 1983, c. 413, §209 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**§6031. Penalty**

Every ~~A person found guilty of violating a~~ who violates any provision of this chapter is ~~guilty of a Class E crime~~ for which a penalty has not been prescribed commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in the District Court or whether criminal proceedings have been or may be instituted.~~

**Sec. B-101. 32 MRSA §13005**, as enacted by PL 1987, c. 395, Pt. A, §212 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**§13005. Penalties**

Any ~~A~~ person or entity violating who violates any provision of this chapter shall be punished, upon conviction, by a fine of ~~commits a civil violation for which a forfeiture of~~ not more than \$2,000 for each violation ~~may be adjudged~~, plus the amount of compensation received in the subject transaction, ~~by imprisonment for not more than 6 months, or by both.~~ Any officer or agent of an entity, who shall personally ~~participate~~ participates in or ~~be~~ is accessory to ~~any a~~ violation of this chapter, ~~shall be~~ is subject to the penalties prescribed under this section. Any court of competent jurisdiction ~~shall have~~ has full power to try any violation of this chapter and, upon conviction, the court may at its discretion revoke or suspend the license of the person or entity so convicted. All fines and penalties over and above the cost of court proceedings ~~shall~~ inure to the commission. A violation of this chapter includes performing or attempting to perform those acts ~~which~~ that constitute prohibited practices.

The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in District Court or whether criminal proceedings may have been instituted.~~

**Sec. B-102. 32 MRSA §13854, sub-§1**, as amended by PL 1989, c. 895, §7, is further amended to read:

**1. Licensing.** Effective October 1, 1992, ~~no~~ a person may not, unless specifically exempted by this chapter, profess to be a clinical professional counselor, professional counselor, marriage and family therapist, licensed pastoral counselor or conditional license holder unless licensed in accordance with this chapter.

**Sec. B-103. 32 MRSA §13854, sub-§3**, as enacted by PL 1989, c. 465, §3 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**3. Violation; injunction.** Any ~~A~~ person who violates any provision of this chapter is ~~guilty of a Class E crime~~ for which a penalty is not specifically provided commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted ~~in~~



~~the District Court or whether criminal proceedings have been or may be instituted.~~

**Sec. B-104. 32 MRSA §14006**, as enacted by PL 1999, c. 185, §5 and amended by c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**§14006. Violation; injunction**

A person who violates any provision of this chapter for which a penalty has not been prescribed commits a Class E crime civil violation for which a forfeiture of not more than \$1,000 may be adjudged. The State may bring action in Superior Court to enjoin a person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.

**Sec. B-105. 32 MRSA §14309**, as enacted by PL 1991, c. 403, §1 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**§14309. Penalty; injunction**

~~Any~~ A person who violates any provision of this chapter for which a penalty has not been prescribed commits a Class E crime civil violation for which a forfeiture of not more than \$1,000 may be adjudged. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.

**PART C**

**Sec. C-1. Effective date.** This Act takes effect January 1, 2002.

Effective January 1, 2002.

**CHAPTER 422**

**S.P. 356 - L.D. 1170**

**An Act to Amend the Animal Welfare Laws**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, legislative revisions are needed to enhance enforcement of the State's animal welfare laws; and

Whereas, increased and stable funding is needed to improve the administration, implementation and enforcement of the animal welfare laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 7 MRSA §714, sub-§1**, as amended by PL 1997, c. 454, §1, is further amended to read:

**1. Application for registration.** A person may not distribute in this State a commercial feed, except a customer-formula feed, that has not been registered pursuant to this section. The application for registration must be submitted in the manner prescribed by the commissioner on forms furnished by the commissioner, and accompanied by an annual fee of ~~\$40~~ \$80 per brand for pet food and ~~\$30~~ \$80 per brand for all other commercial feed. Upon approval by the commissioner the registration must be issued to the applicant. All registrations expire on the 31st day of December. The commissioner may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee.

**Sec. 2. 7 MRSA §714, sub-§2**, as repealed and replaced by PL 1977, c. 672, Pt. A, §19, is repealed and the following enacted in its place:

**2. Fees.** The commissioner shall deposit 1/2 of the fees collected pursuant to subsection 1 in the General Fund and 1/2 of the fees collected in the Animal Welfare Fund established under section 3906-B.

**Sec. 3. 7 MRSA §3906-B, sub-§2**, as amended by PL 1997, c. 690, §1, is further amended to read:

**2. Animal Welfare Fund.** The commissioner shall deposit all license fees received pursuant to chapters 721, 723, 725 and 735 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. The commissioner shall deposit 1/2 of feed registration fees collected under section 714 in the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing blanks, stickers and tags, travel expenses and salaries for necessary