

Criminal Justice and Public Safety Committee Meeting
July 20, 2020
(Prepared July 13, 2020)

July 20, 10am

Work sessions on the following bills:

1. LD 1422, An Act Regarding Conditions in Correctional Facilities for Female Prisoners, sponsored by Rep. Talbot Ross.

This bill was heard on May 29, 2019, worked on June 3, 2019, and carried over to the Second Regular Session. A public hearing was held on March 11, 2020 and a proposed committee amendment to replace the bill was prepared by Rep. Talbot Ross.

At the March 11 hearing information was requested from the Governor's Office, the Department of Corrections and the Maine Sheriffs' Association.

Copies of the bill, the March 11 proposed committee amendment and the email from Jane Orbeton to the Governor's Office, the Department of Corrections and the Maine Sheriffs' Association are attached.

2. LD 2085. An Act to Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities, sponsored by Rep. Talbot Ross.

This bill was heard on March 2 and worked on March 11. A second work session was scheduled for March 18.

Copies of the bill and bill analysis are attached.

3. LD 2043, An Act to Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System, sponsored by Rep. Warren.

This bill was heard on February 19 and a work session was held on February 26.

The following amendments have been proposed on this bill: (1) a proposed committee amendment from Rep Warren that is marked in pencil in the margins to show testimony from the public hearings; (2) a proposed amendment from Robert O'Connell with regard to non-traffic violations in Title 29-A; and (3) a proposed amendment from the Bureau of Motor Vehicles with regard to Title 29-A, section 2412-A, subsection 1-A on operating while license suspended or revoked. In addition the Judicial Branch through John T. Smith (JTS) submitted comments on the effects of Part B in the draft amendment from Rep. Warren.

Copies of the bill, all 3 proposed amendments, and the Judicial Branch comments on Rep. Warren's proposed amendment are attached.

The last item in this packet is a copy of the draft amendment from Rep. Warren showing in margin notes the testimony from the public hearing and also marked in pencil in the February 26 work session to show the results of that work session.



Troy D. Jackson
President of the Senate

State of Maine
129th Maine Legislature

Sara Gideon
Speaker of the House

July 6, 2020

Dear Fellow Legislators,

When we unanimously voted to adjourn in March to mitigate the spread of COVID-19, we did so with the goal of protecting the health and well-being of all Mainers and limiting the strain on our first responders, health care professionals and hospitals. With remarkable resilience, our people and our businesses have adapted, and as a state we are meeting that challenge.

With our accelerated timeline, we were only able to finalize legislation directly related to coronavirus response, health care, and other critical pieces of legislation deemed necessary, before our adjournment. Other unfinished matters were carried over, with the expectation of finishing our work during our next legislative session. While by no means is this crisis over, we now have proven strategies to reduce transmission giving us the ability to finalize outstanding committee work.

Please let this serve as notice that we are resuming legislative meetings on carry-over measures in July in preparation for a special session of the 129th Legislature.

We know that, throughout this crisis, you have continued to work in your districts responding to constituent concerns, as well as participating in our committee briefings focusing on the State's response. We thank you for your commitment to public service and look forward to working with you to complete the important legislative work before us.

Sincerely,

Troy Jackson
Senate President

Sara Gideon
Speaker of the House

cc: All Legislative Staff



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1422

H.P. 1035

House of Representatives, March 28, 2019

An Act Regarding Conditions in Correctional Facilities for Female Prisoners

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

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

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator MOORE of Washington and
Representatives: CRAVEN of Lewiston, DAUGHTRY of Brunswick, FECTEAU of Augusta,
GRIFFIN of Levant, JAVNER of Chester, McCREIGHT of Harpswell, MORALES of South
Portland, O'CONNOR of Berwick.

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to enact measures designed to ensure the fair treatment of women
6 who are incarcerated.

Drafter: JO

Date: March 11, 2020

Sponsor: Rep Rachel Talbot Ross

File: G:\COMMITTEES\CJPS\AMENDMTS\129th 2nd\Amend 1422 3-11-20.Docx

**Proposed Committee Amendment from Rep Rachel Talbot Ross
LD 1422, An Act Regarding Conditions in Correctional Facilities for Female Prisoners**

Amend the bill by deleting everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 22 MRSA §4003, subsection 5 is amended to read:

5. Report. Require the department to report monthly to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters, beginning in July 2000, on the status of children served by the Office of Child and Family Services. The report must include, at a minimum, information on the department's caseload, the location of the children in the department's custody, the status of children in the department's custody whose parent or primary caregiver is incarcerated in a jail or correctional facility and children with whom the Office of Child and Family Services is working whose parent or primary caregiver is incarcerated in a jail or correctional facility and the number of cases of abuse and neglect that were not opened for assessment. This information must be identified by program and funding source.

Sec. 2. 30-A MRSA §1651, subsection 2 is amended to read:

2. Appointment. The sheriff for each county shall appoint a board of ~~5~~ 6 visitors for each correctional facility under the sheriff's supervision.

A. Members of the boards of visitors serve for terms of one year except that, of the initial appointments, 2 must be for terms of 3 years, 2 must be for terms of 2 years and one must be for a term of one year.

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms. The boards of visitors must be representative of a broad range of professionals, family members and citizens interested in the well-being of prisoners, including representatives of advocacy groups for human and civil rights, medical and psychiatric professionals, persons who have served in corrections settings and other interested citizens. One member of each board of visitors must be a person with knowledge of issues related to the incarceration of women.

C. A member of the Legislature may not serve on a board of visitors.

D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of visitors of 5 or more members.

Sec. 3. 34-A MRSA §1208, subsection 1 is amended to read:

1. Establishment. The commissioner shall establish both mandatory and desirable standards for all county and municipal detention facilities, setting forth requirements for maintaining safe, healthful and secure facilities. The standards must include standards for the delivery of women's health care services, for which compliance must be evaluated at least every 2 years and documented in the audit of the facility.

Sec. 4. 34-A MRSA §1208-B, subsection 1, paragraph A is amended to read:

A. The standards, policies and procedures must address record keeping and reporting of financial data, capital improvement planning, jail staffing, administration and management of prisoners, transfer of inmates, notification to prisoners of prohibition on contact with victims and other persons, pretrial assessments and services, evidence-based programming, literacy programs, mental health and substance use disorder programs and correctional officer training. The standards must include standards for the delivery of women's health care services, for which compliance must be evaluated at least every 2 years and documented in the audit of the jail.

Sec. 5. 34-A MRSA §3001-A, subsection 1-A is enacted to read:

1-A. Women's services. The Governor shall appoint a board of 8 visitors for women's services to perform the duties of and operate pursuant to this section with regard to the incarceration of women in any correctional facilities under the department. The board of visitors for women's services shall ensure that incarceration of and services for women are provided in a manner that is gender responsive and that reflects best practices established for such incarceration and services. In addition to the 5 members appointed under subsection 1, the board of visitors for women's services shall include one member who was formerly incarcerated in the custody of the Department of Corrections, one member who represents a health care provider that provides sexual and reproductive health care and education and one member who is a person who as a health care practitioner provides sexual and reproductive health care and education to women.

Sec. 6. 34-A MRSA §3031, subsection 8 is amended to read:

8. Visitation. A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, provided that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution. Departmental policies and institutional procedures must be sufficient to provide to a person in a correctional or detention facility opportunities and conditions for visits with the child of the person that provide time together in a manner that meet the standards of Title 22, section 4041, subsection 1-A, paragraph A, subparagraph (1), division c, that provide as positive a parent-child interaction as can practicably be achieved while ensuring the emotional and physical well-being of the child; and

SUMMARY

This amendment replaces the bill which was a concept draft. This amendment adds to the monthly report from the Department of Health and Human Services on child welfare services a report of the status of children in the department's custody whose parent or primary caretaker is incarcerated in a jail or correctional facility and children with whom the Office of Child and Family Services is working whose parent or primary caregiver is incarcerated in a jail or correctional facility. This amendment adds a person with knowledge related to the incarceration of women to the board of visitors of each jail. This amendment requires the Department of Corrections standards for jails and county and municipal detention facilities to include standards for the delivery of women's health care services, for which compliance must be evaluated at least every 2 years and documented in the audit of the jail or facility. This amendment establishes a board of visitors for women's services to serve with regard to women who are incarcerated in Department of Corrections correctional and detention facilities. This amendment adds to the rights of a person who is incarcerated in the custody of the Department of Corrections opportunities and conditions for visitations with the child of the prisoner that parallel visitation for families receiving family reunification services from the Department of Health and Human Services.

Orbeton, Jane

From: Orbeton, Jane
Sent: Thursday, March 12, 2020 9:36 AM
To: Woolford, Amanda; Black, Anna; Liberty, Randall (randall.liberty@maine.gov); Troy Morton; 'Todd Brackett'; Turowski, MaryAnne; Bogart, Molly (molly.bogart@maine.gov); Pistner, Linda
Subject: Information requests from LD 1422 public hearing
Attachments: Amend 1422 3-11-20.docx

Hello,

I am writing to ask for your assistance with information requests from the Criminal Justice and Public Safety Committee public hearing on the proposed amendment to LD 1422 yesterday. I am attaching a copy of the proposed amendment. Please forgive my informality as I include all requests in the same email. The CJPS Committee needs the following information for the next work session on LD 1422, which will be held Wednesday, March 18 at 10am.

1. To the Governor's Office

Please provide information on membership, vacancies and planning for appointments on the boards of visitors of the DOC correctional facilities. Please provide information on the reasons for vacancies.

Please could the director of boards and commissions in the Governor's Office attend the work session on LD 1422 on Wednesday, March 18 at 10am to discuss membership and appointments to the boards of visitors of the DOC correctional facilities.

2. To the Maine Sheriffs' Association

Please provide information on membership, vacancies and planning for appointments on the boards of visitors of the jails. Please provide information on the reasons for vacancies.

3. To the Maine Sheriffs' Association and the Department of Corrections

Please provide information on the membership, vacancies and activities of the County and Municipal Detention Facility Advisory Committee, Title 34-A, section 1208, subsection 5.

Please provide information on the number of women employed as correctional officers and as correctional supervisors in DOC facilities and in the jails.

4. To the Department of Corrections

Please provide information on the number of minor children of persons who are incarcerated in DOC facilities.

Please provide information on the number of minor children who are in DHHS custody or are the subject of the child welfare case who have a parent who is incarcerated in DOC facilities.

Thank you.

Jane

Jane Orbeton
Office of Policy and Legal Analysis
207-287-1584



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2085

H.P. 1486

House of Representatives, January 28, 2020

**An Act To Ensure Access to Sexual and Reproductive Health Care
and Education in All Maine's Jails and State Correctional and
Detention Facilities**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

ROBERT B. HUNT
Clerk

Presented by Representative TALBOT ROSS of Portland.
Cosponsored by Senator MOORE of Washington and
Representatives: CARNEY of Cape Elizabeth, EVANGELOS of Friendship, HYMANSON of
York, PERRY of Calais, Senators: CLAXTON of Androscoggin, DESCHAMBAULT of York,
President JACKSON of Aroostook, MILLETT of Cumberland.

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

2 **Sec. 1. 30-A MRSA §1566** is enacted to read:

3 **§1566. Sexual and reproductive health care and education**

4 Any person who is detained or incarcerated in a jail or other county correctional
5 facility who is a female or who has a uterus has a right to comprehensive access to
6 reproductive health care and education upon admission and throughout the detention or
7 incarceration, including, but not limited to, the following:

8 **1. Prenatal, perinatal and postnatal health.** Appropriate prenatal, perinatal and
9 postnatal health care and education; and

10 **2. Sexual and reproductive health.** Appropriate sexual and reproductive health
11 care and education.

12 **Sec. 2. 34-A MRSA §3031, sub-§8**, as amended by PL 2019, c. 139, §2, is
13 further amended to read:

14 **8. Visitation.** A reasonable opportunity to visit with relatives and friends, in
15 accordance with departmental policies and institutional procedures, ~~provided that~~ except
16 that the department may restrict or prohibit visits when the restriction or prohibition is
17 necessary for the security of the institution; and

18 **Sec. 3. 34-A MRSA §3031, sub-§9**, as enacted by PL 2019, c. 139, §3, is
19 amended to read:

20 **9. Menstrual products.** Comprehensive access to menstrual products, including,
21 but not limited to, sanitary pads and tampons, provided and available at all times and
22 without inconvenience or charge to a person who menstruates who resides in a
23 correctional or detention facility; and

24 **Sec. 4. 34-A MRSA §3031, sub-§10** is enacted to read:

25 **10. Sexual and reproductive health care and education.** For any person who is a
26 female or who has a uterus, comprehensive access to sexual and reproductive health care
27 and education upon admission and throughout that person's residence, including, but not
28 limited to, the following:

29 A. Appropriate prenatal, perinatal and postnatal health care and education; and

30 B. Appropriate sexual and reproductive health care and education.

31 **Sec. 5. Sexual and Reproductive Health Care Advisory Committee.** There
32 is established the Sexual and Reproductive Health Care Advisory Committee to review
33 and develop adequate standards, policies and materials for the provision of sexual and
34 reproductive health care and education for persons who are incarcerated as required by
35 the Maine Revised Statutes, Title 30-A, section 1566 and Title 34-A, section 3031,
36 subsection 10. The advisory committee consists of a representative of the Department of

1 Corrections designated by the Commissioner of Corrections; a sexual and reproductive
2 health care provider and a representative of a statewide association of sheriffs appointed
3 by the President of the Senate; a representative of an organization with the primary
4 mission to advance racial justice appointed by the Speaker of the House of
5 Representatives; and a medical provider who treats pregnant people who are incarcerated
6 appointed by the Governor. The Department of Corrections shall provide staffing
7 services to the advisory committee. The advisory committee shall submit a report to the
8 joint standing committee of the Legislature having jurisdiction over criminal justice
9 matters by January 1, 2021.

10

SUMMARY

11 This bill requires the provision of comprehensive access to sexual and reproductive
12 health care and education for a person who is a female or who has a uterus admitted to or
13 detained or incarcerated in a jail or county correctional facility or a state detention or
14 correctional facility. The bill establishes the Sexual and Reproductive Health Care
15 Advisory Committee to review and develop adequate standards, policies and materials for
16 the provision of sexual and reproductive health care and education for persons who are
17 incarcerated and requires a report to the joint standing committee of the Legislature
18 having jurisdiction over criminal justice matters by January 1, 2021.

**OFFICE OF POLICY AND LEGAL ANALYSIS
BILL ANALYSIS**

TO: Members, Joint Standing Committee on Criminal Justice and Public Safety

FROM: Jane Orbeton, Legislative Analyst

DATE: March 6, 2020

LD: 2085, An Act to Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities (Rep. Talbot Ross)

SUMMARY:

This bill requires the provision of comprehensive access to sexual and reproductive health care and education for a person who is a female or who has a uterus admitted to or detained or incarcerated in the state's jails and correctional facilities. Specifically, the bill requires jails and correctional facilities to provide appropriate prenatal (before birth), perinatal (close to the time of birth) and postnatal (immediately after birth) health care and education and sexual and reproductive health care and education.

Section 1 of the bill applies to jails. Sections 2, 3 and 4 of the bill apply to DOC correctional facilities.

Section 5 of the bill establishes the Sexual and Reproductive Health Care Advisory Committee to review and develop standards, policies and materials and requires a report to the Criminal Justice Committee by January 1, 2021.

ISSUES FROM PUBLIC HEARING:

1. Fifteen people provided oral and written testimony in favor of the bill. They included formerly incarcerated persons, physicians, a district attorney, the director of women's services in the Department of Corrections, and advocates for women, family planning services, family planning associations, incarcerated and formerly incarcerated persons, community health and public health activists and the ACLU of Maine. The testimony supported the position that women are not currently provided appropriate sexual and reproductive health care and education. One person suggested that a woman who gives birth while detained or serving a sentence in a jail or correctional facility should be able to have the child with her when she is in the jail or correctional facility. One person suggested that the composition, roles and responsibilities of the advisory committee in section 5 be changed.
2. A county commissioner who is member of the county commissioners' association testified against the bill on the basis of funding.
3. A representative of the Maine Medical Association testified neither for nor against, citing the need for comprehensive sexual and reproductive health education and care and the need for adequate funding.

FISCAL IMPACT:

No fiscal information available at this time.



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2043

H.P. 1454

House of Representatives, January 16, 2020

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

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

ROBERT B. HUNT
Clerk

Presented by Representative WARREN of Hallowell.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: BEEBE-CENTER of Rockland, COREY of Windham, COSTAIN of
Plymouth, DUNPHY of Old Town, EVANGELOS of Friendship, MORALES of South
Portland, PICKETT of Dixfield, RECKITT of South Portland.

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

2 **PART A**

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

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

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

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

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

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

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

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

1 resident junior hunting license commits a civil violation punishable by a fine of \$50
2 for each day of violation.

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

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

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

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

24 **Sec. A-6. 12 MRSA §11212-A, sub-§5**, as amended by PL 2019, c. 325, §4, is
25 further amended to read:

26 **5. Possession of wild animals or wild birds.** A person may not possess a wild
27 animal or wild bird taken in violation of subsection 2 or 3, except as otherwise provided
28 in this Part. A person who possesses a wild animal or wild bird in violation of this
29 subsection commits a civil violation punishable by a fine of up to \$300.

30 **Sec. A-7. 12 MRSA §11212-A, sub-§6**, as enacted by PL 2017, c. 176, §2, is
31 amended to read:

32 **6. Penalty.** Except as provided in subsection 5, a person who violates this section
33 commits a Class E crime.

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

36 F. Hunt migratory game birds with a shotgun of any description originally capable of
37 holding more than 3 shells, unless the shotgun's magazine has been cut off, altered or
38 plugged with a one-piece filler incapable of removal without disassembling the gun
39 so as to reduce the capacity of the gun to not more than 3 shells in the magazine and

1 chamber combined. A person who violates this paragraph commits a civil violation
2 punishable by a fine of up to \$100. This paragraph does not apply to:

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

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

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

11 **Sec. A-10. 12 MRSA §11214, sub-§1, ¶J,** as enacted by PL 2003, c. 414, Pt. A,
12 §2 and affected by c. 614, §9, is amended to read:

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

18 **Sec. A-11. 12 MRSA §11214, sub-§2,** as enacted by PL 2003, c. 655, Pt. B,
19 §146 and affected by §422, is amended to read:

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

22 **Sec. A-12. 12 MRSA §11301, sub-§2,** as enacted by PL 2003, c. 655, Pt. B,
23 §157 and affected by §422, is amended to read:

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

27 **Sec. A-13. 12 MRSA §11302, sub-§3,** as enacted by PL 2003, c. 655, Pt. B,
28 §158 and affected by §422, is amended to read:

29 **3. Penalty.** A person who violates this section commits a ~~Class E crime~~ civil
30 violation punishable by a fine of up to \$150.

31 **Sec. A-14. 12 MRSA §12051, sub-§1,** as repealed and replaced by PL 2013, c.
32 588, Pt. A, §16, is amended to read:

33 **1. Open training season.** Unless otherwise provided in this Part, a person may not
34 train dogs on wild birds and wild animals except as follows.

35 A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st
36 through the following March 31st, including Sundays.

37 B. A person may train sporting dogs on wild birds at any time, including Sundays.

1 C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th
2 day preceding the open season on hunting bear, except in those portions of
3 Washington County and Hancock County that are situated south of Route 9.

4 Except on Sundays, a person may not engage in activities authorized under this
5 subsection unless that person possesses a valid hunting license issued under section
6 11109. A person may train dogs on pen-raised birds at any time without a license. For
7 the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail,
8 pheasant, pigeons and Hungarian partridge.

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

11 **Sec. A-15. 12 MRSA §12051, sub-§6**, as enacted by PL 2013, c. 247, §2 and c.
12 286, §2, is amended to read:

13 **6. Effect of revocation.** A person may not train dogs under this section if that
14 person has a suspended or revoked license pursuant to section 10902. A person who
15 violates this subsection commits a civil violation punishable by a fine of up to \$100.

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

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

22 **Sec. A-17. 12 MRSA §12055, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
23 and affected by c. 614, §9, is amended to read:

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

29 **Sec. A-18. 12 MRSA §12101, sub-§1-A**, as enacted by PL 2003, c. 655, Pt. B,
30 §199 and affected by §422, is amended to read:

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

37 A. Nothing in this subsection prohibits the operator of a commercial shooting area
38 from authorizing a person to hunt other wild birds or wild animals in the commercial
39 shooting area during the regular open season on those species, in accordance with this

1 Part, as long as the person possesses a valid state hunting license that allows the
2 hunting of those wild birds and wild animals.

3 **Sec. A-19. 12 MRSA §12508, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
4 and affected by c. 614, §9, is amended to read:

5 **1. License required.** A person who owns a private pond may not charge others for
6 the opportunity to fish in that private pond unless the owner of that pond possesses a valid
7 private fee pond license issued by the commissioner under this section.

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

11 **Sec. A-20. 12 MRSA §12551-A, sub-§5, ¶B**, as enacted by PL 2003, c. 655, Pt.
12 B, §259 and affected by §422, is amended to read:

13 B. The holder of a live bait retailer's license:

14 (1) May not take or possess for the purposes of retail sale live baitfish or smelts
15 from the inland waters of the State or private ponds;

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

20 (3) May not possess at that person's place of business any species of fish that
21 may not legally be sold as bait.

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

24 **Sec. A-21. 12 MRSA §12551-A, sub-§6, ¶B**, as enacted by PL 2003, c. 655, Pt.
25 B, §259 and affected by §422, is amended to read:

26 B. The holder of a baitfish wholesaler's license may not:

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

31 (2) Take baitfish other than by use of a seine as defined in section 10001,
32 subsection 55; a baitfish trap as defined in section 10001, subsection 7; a dip net,
33 a drop net, a lift net or a bag net; or by hook and line;

34 (3) Attempt to take live bait for resale from the inland waters of the State by
35 fishing through the ice using drop nets unless the holder marks all holes made in
36 the ice by the holder for that purpose. The holes must be marked by suspending
37 at least one strand of fluorescent biodegradable tape at least 3 feet above the ice
38 around the entire perimeter of the hole so that the tape is visible from all sides;

39 (4) Take eels;

1 (5) Take or sell suckers, Genus Catostomus, greater than 10 inches in length
2 between April 1st and September 30th of each year; or

3 (6) Possess at that person's place of business any species of fish that may not
4 legally be sold as bait.

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

7 **Sec. A-22. 12 MRSA §12551-A, sub-§7, ¶B**, as amended by PL 2005, c. 237,
8 §3, is further amended to read:

9 B. The holder of a smelt wholesale dealer's license may not:

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

14 (2) Take multiple bag limits from waters governed by general rules regulating
15 the taking of smelts in order to attain the 8-quart limit of smelts described in
16 paragraph A, subparagraph (2);

17 (3) Use a seine to take smelts;

18 (4) Transport or possess at the holder's business facility more than the daily bag
19 limit of smelts at any time unless the smelts were acquired in accordance with
20 paragraph A, subparagraph (4). If the smelts were purchased from another
21 person, the license holder must present a receipted invoice, bill of lading or bill of
22 sale to any agent of the commissioner upon request;

23 (5) Transport from an inland water source to the licensee's place of business
24 more than 8 quarts of live smelts;

25 (6) Permit any person to transport live smelts on the license holder's behalf
26 directly from an inland water source;

27 (7) Attempt to take from the inland waters of the State live smelts for resale
28 using drop nets through the ice unless the license holder marks all holes made in
29 the ice by that license holder for that purpose. The holes must be marked either
30 by evergreen boughs placed around the hole or by suspending at least one strand
31 of fluorescent biodegradable tape at least 3 feet above the ice around the entire
32 perimeter of the hole so that the tape is visible from all sides;

33 (8) Take smelts unless the holder uses an operable commercially manufactured
34 number 14 fish grader to sort smelts by size during the taking of smelts. The
35 holder shall liberate immediately all undersized smelts alive into the waters from
36 which they were taken. For the purpose of this subparagraph, a commercially
37 manufactured number 14 grader is a grader having a minimum grate size of 14/64
38 inches and that allows smelts to pass through at least 2 sides and the bottom of
39 the grader. The commissioner may adopt rules to amend the grate size
40 restrictions under this subparagraph if the commissioner determines such rules
41 are necessary for conservation or enforcement purposes;

- 1 (9) Possess at that person's place of business any species of fish that may not
2 legally be sold as bait;
- 3 (10) Use particles of food or any other type of bait or lure except light to lure
4 smelts to a drop net or a lift net; or
- 5 (11) Use a dip net to take smelts unless that dip net meets the requirements under
6 section 10001, subsection 12-A.

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

9 **PART B**

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

12 B. ~~A Class E crime~~ civil violation punishable by a fine of up to \$50 if the vehicle
13 was not registered or the registration has been expired for 150 days or more.

14 **Sec. B-2. 29-A MRSA §956, sub-§6,** as enacted by PL 1993, c. 683, Pt. A, §2
15 and affected by Pt. B, §5, is amended to read:

16 **6. Penalty.** Violation of ~~this section~~ subsection 4 is a Class E crime. Violation of
17 subsection 1, 2 or 5 is a civil violation punishable by a fine of \$250.

18 **Sec. B-3. 29-A MRSA §1251, sub-§1,** as amended by PL 2013, c. 24, §1, is
19 further amended to read:

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

23 A. Without being licensed. Violation of this paragraph is a ~~Class E crime, which is a~~
24 ~~strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil
25 violation punishable by a fine of up to \$75;

26 B. In violation of a condition or restriction on the license. Violation of this
27 paragraph is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A,~~
28 ~~section 34, subsection 4-A~~ civil violation punishable by a fine of up to \$50;

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

31 D. Without a license issued by this State if a resident of this State for more than 90
32 days. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime~~
33 ~~as defined in Title 17-A, section 34, subsection 4-A~~ civil violation punishable by a
34 fine of up to \$75; or

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

1 **Sec. B-4. 29-A MRSA §1251, sub-§1-A, ¶B**, as enacted by PL 1999, c. 771, Pt.
2 C, §9 and affected by Pt. D, §§1 and 2, is amended to read:

3 B. A ~~Class E crime~~ civil violation punishable by a fine of up to \$75 if the person has
4 been a resident for at least 90 days.

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

7 **7. Violation.** A person commits a ~~Class E crime~~ civil violation punishable by a fine
8 of up to \$150 if that person operates a vehicle not included within the class of license
9 issued to that person.

10 **Sec. B-6. 29-A MRSA §1603, sub-§9**, as enacted by PL 1993, c. 683, Pt. A, §2
11 and affected by Pt. B, §5, is amended to read:

12 **9. Return license, certificates and plates.** A person whose license or registration
13 has been suspended shall immediately return every license, registration certificate and
14 registration plate issued to that person to the Secretary of State. A person commits a
15 ~~Class E crime~~ civil violation punishable by a fine of up to \$50 if that person, after notice
16 of suspension, fails or refuses to return every license, registration certificate and
17 registration plate.

18 **Sec. B-7. 29-A MRSA §1605, sub-§6**, as amended by PL 2017, c. 165, §5, is
19 further amended to read:

20 **6. Operating without giving proof.** A person commits a ~~Class D crime~~ civil
21 violation punishable by a fine of \$50 if that person is required to maintain proof of
22 financial responsibility and, without authorization from the Secretary of State and without
23 that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be
24 operated by another on a public way.

25 **Sec. B-8. 29-A MRSA §1859**, as amended by PL 1995, c. 65, Pt. A, §104 and
26 affected by §153 and Pt. C, §15, is further amended to read:

27 **§1859. Removal of vehicle**

28 Removal of a vehicle described in section 1851 or of any part or accessory from the
29 vehicle without the written consent of the person in charge or the owner of the premises
30 or property where the vehicle is located is a ~~Class E crime~~ civil violation punishable by a
31 fine of \$75. This section applies to all persons, including the owner of the vehicle.

32 **Sec. B-9. 29-A MRSA §1860**, as enacted by PL 1995, c. 65, Pt. A, §105 and
33 affected by §153 and Pt. C, §15, is amended to read:

34 **§1860. Abandonment on an island**

35 A person may not abandon a motor vehicle on any property on an island without
36 consent of the owner of the property. The State, municipality or other political
37 subdivision having jurisdiction over the island may order the owner of a vehicle illegally

1 abandoned on an island to remove it at the vehicle owner's expense. If the owner of the
2 vehicle refuses to remove the motor vehicle, or if the owner is unknown, the State or
3 political subdivision may cause the vehicle to be removed from the island and may
4 require reimbursement from the owner for the removal and the administrative and legal
5 costs. Neither the State nor any political subdivision of the State is liable for any damage
6 to the motor vehicle that may be caused by the removal. Failure to remove an illegally
7 abandoned vehicle on an island within 30 days after written warning, or within 30 days of
8 ice-out if ice prevents the island from being reasonably accessible, is a ~~Class E crime~~ civil
9 violation punishable by a fine of \$50.

10 **Sec. B-10. 29-A MRSA §2102, sub-§1**, as amended by PL 2009, c. 493, §2, is
11 further amended to read:

12 **1. Display revoked, mutilated, fictitious or fraudulently altered driver's license**
13 **or identification card.** A person commits a ~~Class E crime~~ civil violation punishable by a
14 fine of \$150 if that person displays a revoked, mutilated, fictitious or fraudulently altered
15 driver's license or identification card issued or represented to be issued by this State or
16 any other state or province.

17 **Sec. B-11. 29-A MRSA §2102, sub-§1-A**, as amended by PL 2009, c. 493, §2, is
18 further amended to read:

19 **1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's**
20 **license or identification card.** A person commits a ~~Class E crime~~ civil violation
21 punishable by a fine of \$150 if that person possesses a revoked, mutilated, fictitious or
22 fraudulently altered driver's license or identification card issued or represented to be
23 issued by this State or any other state or province.

24 **Sec. B-12. 29-A MRSA §2104**, as amended by PL 2015, c. 176, §5, is further
25 amended to read:

26 **§2104. Improper plates**

27 **1. Attaching false plates.** A person commits a ~~Class E crime~~ civil violation
28 punishable by a fine of \$150 if that person attaches to a vehicle a registration plate
29 assigned to another vehicle or not currently assigned to that vehicle.

30 **1-A. Permitting attachment of false plates.** A person commits a ~~Class E crime~~
31 civil violation punishable by a fine of \$100 if that person permits to be attached to a
32 vehicle a registration plate assigned to another vehicle or not currently assigned to that
33 vehicle.

34 **1-B. Permitting display of false registration validation device.** A person commits
35 a Class E crime if that person permits to be attached or displayed on a vehicle registration
36 plate a registration validation device issued for another vehicle.

37 **2. False identification.** A person commits a ~~Class E crime~~ civil violation punishable
38 by a fine of \$50 if that person obscures identification numbers, identification letters, the

1 state name, validation sticker or mark distinguishing the type of plate attached to a
2 vehicle.

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

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

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

12 **Sec. B-13. 29-A MRSA §2308, sub-§6,** as amended by PL 2019, c. 318, §4, is
13 further amended to read:

14 **6. Penalty.** A violation of subsection 2 is a Class E crime that is punishable by a
15 \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's
16 license for a 2nd offense occurring within 3 years of the first offense. A violation of
17 subsection 4 is a civil violation punishable by a fine of \$125.

18 **Sec. B-14. 29-A MRSA §2412-A, sub-§1-A,** as amended by PL 2009, c. 297,
19 §1, is further amended to read:

20 **1-A. Offense; penalty.** A person commits operating while license suspended or
21 revoked if that person:

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

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

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

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

29 (4) Has been sent written notice in accordance with section 2482 or former Title
30 29, section 2241, subsection 4; or

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

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

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

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

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

1 (3) Has 3 or more prior convictions for violating this section; or
2 D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the
3 person has one or more prior convictions for violating this section.

4 Except for an offense under paragraph A, subsection 8 or as otherwise provided,
5 operating while license suspended or revoked is a Class E crime, which is a strict liability
6 crime as defined in Title 17-A, section 34, subsection 4-A. A violation of paragraph A is
7 a civil violation punishable by a fine of \$125.

8 **Sec. B-15. 29-A MRSA §2412-A, sub-§8**, as amended by PL 2009, c. 493, §3, is
9 further amended to read:

10 **8. Traffic infraction.** A person commits a traffic infraction operating while license
11 suspended as described in subsection 1-A, paragraph A if the person has not been
12 convicted or adjudicated of a 2 prior ~~offense~~ offenses under this section ~~and the sole basis~~
13 ~~for the suspension is:~~

- 14 ~~A. Failure to pay a fine;~~
- 15 ~~B. Failure to pay a license reinstatement fee; or~~
- 16 ~~C. Suspension for a dishonored check.~~

17 **Sec. B-16. 29-A MRSA §2417**, as enacted by PL 1993, c. 683, Pt. A, §2 and
18 affected by Pt. B, §5, is amended to read:

19 **§2417. Suspended registration**

20 A person commits a ~~Class E offense~~ civil violation punishable by a fine of \$125 if
21 that person operates or permits another to operate a vehicle when the registration of that
22 vehicle is suspended or revoked.

23 **SUMMARY**

24 In Part A, this bill:

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

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

- 31 A. For resident and nonresident junior hunters, hunting without a license;
- 32 B. Practicing falconry without a permit;
- 33 C. Possessing wild animals or wild birds taken in violation of the law that prohibits
34 shooting while in or on a vehicle;

- 1 D. Hunting migratory game birds with a shotgun capable of holding more than 3
2 shells;
- 3 E. Leaving or allowing to remain duck decoys or a stationary blind or parts of an
4 artificial cover in Merrymeeting Bay at night;
- 5 F. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with
6 more than 6 dogs;
- 7 G. With regard to a person who is not a resident of the State, hunting bear with dogs
8 without a guide;
- 9 H. Training dogs on wild birds or wild animals, except in certain circumstances;
- 10 I. Training dogs when the person has a license that is suspended or revoked;
- 11 J. Holding field trials for beagles and other rabbit hounds except from September 1st
12 through the following April 10th;
- 13 K. Holding field trials for sporting dogs without a license;
- 14 L. Charging others for the opportunity to hunt mallard ducks, pheasants, quail,
15 Chukar partridge or Hungarian partridge or operating a commercial shooting area for
16 such birds without a license;
- 17 M. Charging another person for the opportunity to fish in a private pond without
18 holding a valid private fee pond license; and
- 19 N. Failing to present upon request to any agent of the Commissioner of Inland
20 Fisheries and Wildlife a receipted invoice, bill of lading, bill of sale, license or other
21 satisfactory evidence of lawful possession of live baitfish for retail or wholesale sale
22 or smelts for wholesale sale.
- 23 In Part B, the bill does the following:
- 24 1. Reduces from Class E crimes to civil violations the following violations of the
25 motor vehicle laws and sets the fines for the civil violations:
- 26 A. Failure to register a vehicle or having registration that has been expired for 150
27 days or more;
- 28 B. Failure by a motor vehicle dealer to maintain records of purchase or sale of
29 vehicles and failure to maintain records of all sales representatives and full-time
30 employees, vehicles and vehicle parts and make them available for inspection by
31 representatives of the Secretary of State, the Attorney General or law enforcement
32 officers;
- 33 C. Operating a motor vehicle on a public way or parking area without being licensed
34 or in violation of a condition or restriction on the license;
- 35 D. Failure to obtain a license after establishing residency for more than 90 days;
- 36 E. With regard to Class A, B and C motor vehicle licenses, operating a vehicle not
37 included in the class of the person's license;

- 1 F. With regard to suspension of a license or registration, failure of the person to
2 surrender to the Secretary of State every license, registration certificate and
3 registration plate;
- 4 G. Operating a motor vehicle without proof of financial responsibility;
- 5 H. With regard to a motor vehicle that is abandoned, removal of the vehicle or any
6 part or accessory thereof without written consent;
- 7 I. With regard to a motor vehicle illegally abandoned on an island, failure to remove
8 the vehicle within the designated time frame;
- 9 J. Displaying or possessing a revoked, mutilated, fictitious or fraudulently altered
10 driver's license or identification card;
- 11 K. Attaching or permitting attachment to a motor vehicle a registration plate
12 assigned to another vehicle or not currently assigned to the vehicle;
- 13 L. Obscuring identification numbers or letters, the state name, the validation sticker
14 or a mark distinguishing the type of plate attached to the vehicle;
- 15 M. The use by a school bus operator of flashing lights on the bus other than for the
16 purpose of controlling traffic when stopping to receive or discharge school-age
17 persons; and
- 18 N. Operating or permitting another person to operate a motor vehicle when the
19 registration has been suspended or revoked; and
- 20 2. Designates as a traffic infraction operating a motor vehicle while the person's
21 driver's license is suspended if the person does not have 2 prior operating while license is
22 suspended or revoked offenses.

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

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

PART A

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

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

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

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

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

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

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

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

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

F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter

The Administrative Offices of the Courts expressed concerns regarding contested traffic violations being handled in courts by the law enforcement officers acting in that capacity and as prosecutor.

HP1454, LD 2043, item 1, 129th Maine State Legislature
An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase
the Efficiency of the Criminal Justice System

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

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

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

~~Sec. A-6. 12 MRSA §11212 A, sub-§5~~, as amended by PL 2019, c. 325, §4, is further amended to read:

~~5. Possession of wild animals or wild birds.~~ A person may not possess a wild animal or wild bird taken in violation of subsection 2 or 3, except as otherwise provided in this Part. A person who possesses a wild animal or wild bird in violation of this subsection commits a civil violation punishable by a fine of up to \$300.

~~Sec. A-7. 12 MRSA §11212 A, sub-§6~~, as enacted by PL 2017, c. 176, §2, is amended to read:

~~6. Penalty.~~ ~~Except as provided in subsection 5, a [A] person who violates this section commits a Class-E crime.~~

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

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

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

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

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

Sec. A-10. 12 MRSA §11214, sub-§1, ¶J, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

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

HP1454, LD 2043, Item 1, 129th Maine State Legislature
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the Efficiency of the Criminal Justice System

Sec. A-11. 12 MRSA §11214, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §146 and affected by §422, is amended to read:

2. Penalty. ~~A person who violates subsection 1, paragraphs F, I and J, a person who violates subsection 1~~ commits a Class E crime.

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

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

Sec. A-13. 12 MRSA §11302, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §158 and affected by §422, is amended to read:

3. Penalty. A person who violates this section commits a ~~Class B crime~~ civil violation punishable by a fine of up to \$150.

Sec. A-14. 12 MRSA §12051, sub-§1, as repealed and replaced by PL 2013, c. 588, Pt. A, §16, is amended to read:

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays.

B. A person may train sporting dogs on wild birds at any time, including Sundays.

C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109. A person may train dogs on pen-raised birds at any time without a license. For the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail, pheasant, pigeons and Hungarian partridge.

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

Sec. A-15. 12 MRSA §12051, sub-§6, as enacted by PL 2013, c. 247, §2 and c. 286, §2, is amended to read:

6. Effect of revocation. A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902. ~~A person who violates this subsection commits a civil violation punishable by a fine of up to \$100.~~

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

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

Sec. A-17. 12 MRSA §12055, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

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

Sec. A-18. 12 MRSA §12101, sub-§1-A, as enacted by PL 2003, c. 655, Pt. B, §199 and affected by §422, is amended to read:

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

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

Sec. A-19. 12 MRSA §12508, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. License required. A person who owns a private pond may not charge others for the opportunity to fish in that private pond unless the owner of that pond possesses a valid private fee pond license issued by the commissioner under this section.

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

Sec. A-20. 12 MRSA §12551-A, sub-§5, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended to read:

B. The holder of a live bait retailer's license:

- (1) May not take or possess for the purposes of retail sale live baitfish or smelts from the inland waters of the State or private ponds;
- (2) Shall present a receipted invoice, bill of lading, bill of sale or other satisfactory evidence of the lawful possession of live baitfish or smelts for retail sale to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175; or
- (3) May not possess at that person's place of business any species of fish that may not legally be sold as bait.

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

Sec. A-21. 12 MRSA §12551-A, sub-§6, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended to read:

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B. The holder of a baitfish wholesaler's license may not:

- (1) When engaged in taking, or assisting in taking, live baitfish for resale from inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175;
- (2) Take baitfish other than by use of a seine as defined in section 10001, subsection 55; a baitfish trap as defined in section 10001, subsection 7; a dip net, a drop net, a lift net or a bag net; or by hook and line;
- (3) Attempt to take live bait for resale from the inland waters of the State by fishing through the ice using drop nets unless the holder marks all holes made in the ice by the holder for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;
- (4) Take eels;
- (5) Take or sell suckers, Genus Catostomus, greater than 10 inches in length between April 1st and September 30th of each year; or
- (6) Possess at that person's place of business any species of fish that may not legally be sold as bait.

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

Sec. A-22. 12 MRSA §12551-A, sub-§7, ¶B, as amended by PL 2005, c. 237, §3, is further amended to read:

B. The holder of a smelt wholesale dealer's license may not:

- (1) When engaged in taking, or assisting in taking, live smelts for resale from inland waters, fail to exhibit the license to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175;
- (2) Take multiple bag limits from waters governed by general rules regulating the taking of smelts in order to attain the 8-quart limit of smelts described in paragraph A, subparagraph (2);
- (3) Use a seine to take smelts;
- (4) Transport or possess at the holder's business facility more than the daily bag limit of smelts at any time unless the smelts were acquired in accordance with paragraph A, subparagraph (4). If the smelts were purchased from another person, the license holder must present a receipted invoice, bill of lading or bill of sale to any agent of the commissioner upon request;
- (5) Transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts;
- (6) Permit any person to transport live smelts on the license holder's behalf directly from an inland water source;
- (7) Attempt to take from the inland waters of the State live smelts for resale using drop nets through the ice unless the license holder marks all holes made in the ice by that license holder for that purpose. The holes must be marked either by evergreen boughs placed around the hole or by suspending at least one strand of fluorescent

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biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;

(8) Take smelts unless the holder uses an operable commercially manufactured number 14 fish grader to sort smelts by size during the taking of smelts. The holder shall liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a commercially manufactured number 14 grader is a grader having a minimum grate size of 14/64 inches and that allows smelts to pass through at least 2 sides and the bottom of the grader. The commissioner may adopt rules to amend the grate size restrictions under this subparagraph if the commissioner determines such rules are necessary for conservation or enforcement purposes;

(9) Possess at that person's place of business any species of fish that may not legally be sold as bait;

(10) Use particles of food or any other type of bait or lure except light to lure smelts to a drop net or a lift net; or

(11) Use a dip net to take smelts unless that dip net meets the requirements under section 10001, subsection 12-A.

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

Maine State Police pointed out inconsistencies in 351 subsections 1, 1-A and 5. PART B

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

read:

B. A Class E crime ~~civil violation traffic infraction~~ punishable by a fine of up to \$50-\$75 if the vehicle was not registered or the registration has been expired for 150 days or more.

Sec. B-2. 29-A MRSA §956, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6. Penalty. ~~Violation of this section subsection 4 is a Class E crime. Violation of subsection 1, 2 or 5 is a civil violation punishable by a fine of \$250.~~

Sec. B-3. 29-A MRSA §1251, sub-§1, as amended by PL 2013, c. 24, §1, is further amended to read:

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

A. Without being licensed. Violation of this paragraph is a Class E crime, ~~which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil violation traffic infraction punishable by a fine of up to \$75-\$125;

B. In violation of a condition or restriction on the license. Violation of this paragraph is a Class E crime, ~~which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil violation traffic infraction punishable by a fine of up to \$50;

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

Maine State Police pointed out fine inconsistencies.

Secretary of State points out OWL criminal convictions result in 30 day license suspension. OWL traffic infraction results in 4 demerit points.

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D. Without a license issued by this State if a resident of this State for more than 90 days. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A~~ civil violation traffic infraction punishable by a fine of up to \$75; or

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

Sec. B-4. 29-A MRSA §1251, sub-§1-A, ¶B, as enacted by PL 1999, c. 771, Pt. C, §9 and affected by Pt. D, §§1 and 2, is amended to read:

B. A ~~Class E crime~~ civil violation traffic infraction punishable by a fine of up to \$75 if the person has been a resident for at least 90 days.

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

7. Violation. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by a fine of up to \$150 if that person operates a vehicle not included within the class of license issued to that person.

Sec. B-6. 29-A MRSA §1603, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9. Return license, certificates and plates. A person whose license or registration has been suspended shall immediately return every license, registration certificate and registration plate issued to that person to the Secretary of State. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by a fine of up to \$50 if that person, after notice of suspension, fails or refuses to return every license, registration certificate and registration plate.

Sec. B-6A. 29-A MRSA §1605, sub-5 is further amended to read

5. Penalty. Violation of this section is a traffic infraction, for which a forfeiture of ~~not less than up to \$100 and not more than \$500~~ may be assessed.

Sec. B-7. 29-A MRSA §1605, sub-§6, as amended by PL 2017, c. 165, §5, is further amended to read:

6. Operating without giving proof. A person commits a ~~Class D crime~~ civil violation traffic infraction punishable by a fine of \$50 if that person is required to maintain proof of financial responsibility and, without authorization from the Secretary of State and without that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be operated by another on a public way.

Sec. B-8. 29-A MRSA §1859, as amended by PL 1995, c. 65, Pt. A, §104 and affected by §153 and Pt. C, §15, is further amended to read:

§ 1859. Removal of vehicle

Removal of a vehicle described in section 1851 or of any part or accessory from the vehicle without the written consent of the person in charge or the owner of the premises or property where the vehicle is located is a ~~Class E crime~~ civil violation traffic infraction punishable by a fine of \$75. This section applies to all persons, including the owner of the vehicle.

Sec. B-9. 29-A MRSA §1860, as enacted by PL 1995, c. 65, Pt. A, §105 and affected by §153 and Pt. C, §15, is amended to read:

§ 1860. Abandonment on an island

Secretary of State pointed out need to align with Federal law.

Maine State Police pointed out inconsistency with Section 1601

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A person may not abandon a motor vehicle on any property on an island without consent of the owner of the property. The State, municipality or other political subdivision having jurisdiction over the island may order the owner of a vehicle illegally abandoned on an island to remove it at the vehicle owner's expense. If the owner of the vehicle refuses to remove the motor vehicle, or if the owner is unknown, the State or political subdivision may cause the vehicle to be removed from the island and may require reimbursement from the owner for the removal and the administrative and legal costs. Neither the State nor any political subdivision of the State is liable for any damage to the motor vehicle that may be caused by the removal. Failure to remove an illegally abandoned vehicle on an island within 30 days after written warning, or within 30 days of ice-out if ice prevents the island from being reasonably accessible, is a Class-E crime civil violation traffic infraction punishable by a fine of \$50.

Sec. B-10. 29-A MRSA §2102, sub-§1, as amended by PL 2009, c. 493, §2, is further amended to read:

1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a Class-E crime civil violation traffic infraction punishable by a fine of \$150 if that person displays a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

Sec. B-11. 29-A MRSA §2102, sub-§1-A, as amended by PL 2009, c. 493, §2, is further amended to read:

1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a Class-E crime civil violation traffic infraction punishable by a fine of \$150 if that person possesses a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

Sec. B-12. 29-A MRSA §2104, as amended by PL 2015, c. 176, §5, is further amended to read:

§ 2104. Improper plates

1. Attaching false plates. A person commits a Class-E crime civil violation traffic violation punishable by a fine of \$150 if that person attaches to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

1-A. Permitting attachment of false plates. A person commits a Class-E crime civil violation traffic infraction punishable by a fine of \$100 if that person permits to be attached to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

1-B. Permitting display of false registration validation device. A person commits a Class E crime if that person permits to be attached or displayed on a vehicle registration plate a registration validation device issued for another vehicle.

2. False identification. A person commits a Class-E crime civil violation traffic infraction punishable by a fine of \$50 if that person obscures identification numbers, identification letters, the state name, validation sticker or mark distinguishing the type of plate attached to a vehicle.

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

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

Maine State Police pointed out inaccuracies between subsections 1 and 1-B. See also 1-A.

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

Sec. B-13. 29-A MRSA §2308, sub-§6, as amended by PL 2019, c. 318, §4, is further amended to read:

6. **Penalty.** A violation of subsection 2 is a Class F crime that is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense. A violation of subsection 4 is a civil-violation traffic infraction punishable by a fine of \$125.

Sec. B-14. 29-A MRSA §2412-A, sub-§1-A, as amended by PL 2009, c. 297, §1, is further amended to read:

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

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

- (1) Has received written notice of a suspension or revocation from the Secretary of State or a court;
- (2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;
- (3) Has actual knowledge of the suspension or revocation;
- (4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4;
or
- (5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608;

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

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

- (1) Has one prior conviction for violating this section;
- (2) Has 2 prior convictions for violating this section; or
- (3) Has 3 or more prior convictions for violating this section; or

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

Except for an offense under paragraph A, subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A violation of paragraph A is a civil-violation traffic infraction punishable by a fine of \$125 \$150.

Sec. B-15. 29-A MRSA §2412-A, sub-§8, as amended by PL 2009, c. 493, §3, is further amended to read:

Robert O'Connell pointed out provisions of law under which the court or secretary of state may suspend a license for violation of a law that is not related to driving.

Secretary of State pointed out traffic infraction results in 60 day suspension
of driving points. Criminal conviction of results in 60 day suspension.

Secretary of State pointed out provisions of law under which the court or secretary of state may suspend a license for violation of a law that is not related to driving.

8. Traffic infraction. A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of ~~a~~ 2 prior ~~offense~~ offenses under this section ~~and the sole basis for the suspension is:~~

- A. ~~Failure to pay a fine;~~
- B. ~~Failure to pay a license reinstatement fee; or~~
- C. ~~Suspension for a dishonored check.~~

Sec. B-16. 29-A MRS §2417, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§ 2417. Suspended registration

A person commits a ~~Class E offense~~ civil violation traffic infraction punishable by a fine of \$125 if that person operates or permits another to operate a vehicle when the registration of that vehicle is suspended or revoked.

Sec. B-17. 29-A MRS §2551-A, is amended to read

§2551-A. Habitual offender

1. Habitual offender defined. An habitual offender is a person whose record, as maintained by the Secretary of State, shows that:

A. The person has accumulated 3 or more convictions or adjudications for distinct offenses described in this paragraph arising out of separate acts committed within a 5-year period:

- (1) Homicide resulting from the operation of a motor vehicle;
- (2) OUI conviction;
- (3) Driving to endanger, in violation of section 2413;
- (4) Operating after suspension or revocation, in violation of subsections 2412-A(1-A), (B), (C), and (D);
- (5) Operating without a license;
- (6) Operating after revocation, in violation of former section 2557, section 2557-A or section 2558;
- (7) Knowingly making a false affidavit or swearing or affirming falsely in a statement required by this Title or as to information required in the administration of this Title;
- (8) A Class A, B, C or D offense in which a motor vehicle is used;
- (9) Leaving the scene of an accident involving injury or death, in violation of section 2252;
- (10) Leaving the scene of an accident involving property damage, in violation of section 2253, 2254 or 2255;
- (11) Eluding an officer, in violation of section 2414;
- (12) Passing a roadblock, in violation of section 2414, subsection 4;
- (13) Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more; and
- (14) For a person whose license is reinstated pursuant to section 2412-A, subsection 7 or section 2508, operating a motor vehicle without an ignition interlock device; tampering with or circumventing the operation of an ignition interlock device; or requesting or soliciting another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle; or

B. The person has accumulated 10 or more convictions or adjudications for moving violations arising out of separate acts committed within a 5-year period.

PART C

Sec. C-1. 17-A MRS §4-B, subsection 4 is amended to read:

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

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Sec. C-2. 17-A MRS §4-B, subsection 5 is enacted to read:

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

SUMMARY

In Part A, this bill:

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

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

- A. For resident and nonresident junior hunters, hunting without a license;
- B. Practicing falconry without a permit;
- ~~C. Possessing wild animals or wild birds taken in violation of the law that prohibits shooting while in or on a vehicle;~~
- D. Hunting migratory game birds with a shotgun capable of holding more than 3 shells;
- E. Leaving or allowing to remain duck decoys or a stationary blind or parts of an artificial cover in Merrymeeting Bay at night;
- F. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with more than 6 dogs;
- G. With regard to a person who is not a resident of the State, hunting bear with dogs without a guide;
- H. Training dogs on wild birds or wild animals, except in certain circumstances;
- ~~I. Training dogs when the person has a license that is suspended or revoked;~~
- J. Holding field trials for beagles and other rabbit hounds except from September 1st through the following April 10th;
- K. Holding field trials for sporting dogs without a license;
- L. Charging others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge or Hungarian partridge or operating a commercial shooting area for such birds without a license;
- M. Charging another person for the opportunity to fish in a private pond without holding a valid private fee pond license; and
- N. Failing to present upon request to any agent of the Commissioner of Inland Fisheries and Wildlife a receipted invoice, bill of lading, bill of sale, license or other satisfactory evidence of lawful possession of live baitfish for retail or wholesale sale or smelts for wholesale sale.

In Part B, the bill does the following:

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

- A. Failure to register a vehicle or having registration that has been expired for 150 days or more;
- ~~B. Failure by a motor vehicle dealer to maintain records of purchase or sale of vehicles and failure to maintain records of all sales representatives and full-time employees, vehicles and vehicle parts and make them available for inspection by representatives of the Secretary of State, the Attorney General or law enforcement officers;~~
- C. Operating a motor vehicle on a public way or parking area without being licensed or in violation of a condition or restriction on the license;

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

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

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

G. Operating a motor vehicle without proof of financial responsibility;

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

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

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

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

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

M. The use by a school bus operator of flashing lights on the bus other than for the purpose of controlling traffic when stopping to receive or discharge school-age persons; and

N. Operating or permitting another person to operate a motor vehicle when the registration has been suspended or revoked; and

2. Designates as a traffic infraction operating a motor vehicle while the person's driver's license is suspended if the person does not have 2 prior operating while license is suspended or revoked offenses.

3. Clarifies that a habitual offender is someone who has accumulated 3 or more convictions or adjudications for distinct OUI or OUI offense arising out of separate acts committed within a 5-year period and

In Part C, this bill:

1. Clarifies that evidence obtained in an unlawful search and seizure is inadmissible in all civil proceedings.
2. Allows a law enforcement officer who has probable cause to believe a civil violation is taking place to make an application for a search warrant.

Criminal Justice and Public Safety Committee
Work session, February 26, 2020

LD 2043, “An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System”

BMV proposal for amendment [New BMV language highlighted]

Section _____. 29-A MRSA §2412-A, sub-§1-A, as amended by PL 2009, c. 297, §1, is further amended to read:

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

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

- (1) Has received written notice of a suspension or revocation from the Secretary of State or a court;
- (2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;
- (3) Has actual knowledge of the suspension or revocation;
- (4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4; or
- (5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608;

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

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

- (1) Has one prior conviction for violating this section;
- (2) Has 2 prior convictions for violating this section; or
- (3) Has 3 or more prior convictions for violating this section; or

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

E. Violates paragraph A, and the suspension or revocation was pursuant to Title 29-A, section 2413-A; Title 29-A, section 2454; Title 29-A, section 2456; or Title 29-A, section 2458(2-A).

Except for an offense under paragraph A, subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A violation of paragraph A is a traffic infraction punishable by a fine of \$150.

JTS Comments on Effects of Part B of LD 2043, Part B
(as amended by draft amendment)

Sec. B-3. 29-A MRSA §1251, sub-§1

Issue: Fine inconsistency.

Amendments in paragraphs A, B and D establish maximum fine amounts. No maximums exist or are proposed for paragraphs C and E.

The current penalty scheduled by the Chief Judge for paragraph C is based on a fine that exceeds the maximum allowed for paragraph D, which is a greater offense of the same nature.

Sec. B-4. 29-A MRSA §1251, sub-§1-A, ¶B

Issue: Fine inconsistency.

Amendment in B establishes a maximum fine amount of \$75. No maximum exists or is proposed for paragraphs A, which is a lesser offense of the same nature.

The current penalty scheduled by the Chief Judge for paragraph A is based on a fine of \$105.83 (\$152 with surcharges).

Sec. B-7. 29-A MRSA §1605, sub-§6 (?)

Issue: Extraneous and conflicting language

Amendment includes a sub-§5 regarding penalties. There is already a sub-§5 that is not referenced in the bill or amendment. It appears this language may have been copied from §1601 as a reference for the drafter and inadvertently left in the amendment.

The maximum fine of \$125 in proposed in the amendment to sub-§6 is less than the current penalty (\$134.17, \$186 with surcharges) scheduled by the Chief Judge for a violation of §1601, a lesser offense.

Sec. B-10. 29-A MRSA §2102, sub-§1 and Sec. B-11. 29-A MRSA §2102, sub-§1-A

Issue: Potential fine inconsistency

In current law, §2102 classifies as a Class E crime the display or possession a revoked, mutilated, fictitious or fraudulently altered driver's license. This classification makes no distinction based on whether the person operation of the vehicle by that person is punishable as a crime or traffic infraction. Current law also classifies as a Class E crime display or possession a *suspended* license, but only when the operation of the motor vehicle by that person is punishable as a crime.

With the amended language a person, for whom operation of the vehicle is punishable as a crime, could only be charged with a traffic infraction for possessing or displaying a revoked license, while that same person could be charged with a Class E crime for displaying or possessing a suspended license.

Amendment to sub-§1 includes maximum fine amount of \$150

Sec. B-14. 29-A MRSA §2412-A, sub-§1-A *and* **Sec. B-17.** 29-A MRSA §2412-A, sub-§1-A

Note: Significant fine reduction for OAS traffic infractions (while including new more severe OAS offense types)

Currently, the only OAS offenses that are classified as traffic infractions are those based on underlying suspension for failure to pay a fine or reinstatement fee or suspension for a dishonored check. The current penalty scheduled by the Chief Judge for paragraph A is based on a fine of \$250 (\$325 with surcharges).

The amended language in the bill and the amendment appears to classify as traffic infractions several types of operating after suspensions (OAS) violations that are currently classified as Class E crimes. These include 1st and 2nd OAS offense for termed suspensions that are not directly related to OUI. It also reduces the fine allowable fine amount, reducing the penalty for all traffic infraction OAS violations to a mandatory \$150.

From: Robert
O'Connell

Non-traffic violations -

COMMITTEE AMENDMENT TO H.P. 1454, L.D. 2043, Bill, "An Act to Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System"

Amend the bill by adding nine new sections:

(1) 17 MRSA §2264-A, sub-§2.E, as enacted by PL 2011, c. 208, §4 is amended to read:

~~E. May suspend the person's motor vehicle operator's license for a period of not less than 30 days or more than one year, except as provided in paragraph F.~~ Notwithstanding paragraph F, the court shall suspend all licenses and permits issued under Title 12, Part 13, subpart 4 and recreational vehicle registrations and certificates issued to that person under Title 12, Part 13, subpart 6 for a period of not less than 30 days or more than one year, and

(2) 17 MRSA §2264-A, sub-§ 2.F, as enacted by PL 2011, c.208, §4 is amended to read:

F. Except for a driver's license, May suspend any license, permit, registration or certification issued by a state agency or municipality to the person. A professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment may not be suspended unless the items dumped were related to the person's profession or occupation.

(3) 17 MRSA §2264-B, sub-§5, as amended by PL 2011, c.208, §6 is further amended to read:

5. License suspension. Surrender the person's ~~motor vehicle operator's license, a~~ license or permit issued to that person under Title 12, Part 13, subpart 4 or a recreational vehicle registration or certificate issued to that person under Title 12, Part 13, subpart 6 for a period not exceeding 30 days. ~~The court may suspend an operator's license for any violation of section 2264 A, subsection 1 or subsection 1-A that involves the use of a motor vehicle.~~

(4) 29-A MRSA §154, sub-§4, as amended by PL 1995, c.65, §C-1, is further amended to read:

4. Recovery of fees or use taxes. Whenever the payment of a fee or use tax required to be collected by the Secretary of State results in a protest or is returned by the bank upon which it was drawn because of insufficient funds, closed account, no account or a similar reason, the Secretary of State may mail a notice of dishonor, as defined in Title 11, section 3-1503, to the person liable, demanding payment, and ~~warning the person that if the amount due is not paid within 10 days after the mailing of the notice, suspension of the person's license and registration will result.~~ If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State may suspend all licenses, permits, certificates and registrations of the person liable for the fee, fees or tax.

(5) 29-A MRSA §2459, as amended by PL 2003, c.689, §§B-6 and B-7 is repealed.

(6) 29-A MRSA §2459-A, as enacted by PL 2013, c.479, §1 is repealed.

(7) 29-A MRSA §2551-A, sub-§1.B., as enacted by PL 2005, c.606, Pt. A, §7 is repealed.

(8) 29-A MRSA §2605, as amended by PL 2019, c.?, is further amended to read:

1. Suspension by clerk. ~~If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28 A, section 2052; a civil violation under this Title; or any criminal provision of this Title or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.~~

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense, ~~or that person's right to operate that vehicle in the State.~~

2. Notification of Secretary of State. ~~Upon suspension under subsection 1 of a person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, the court shall notify the Secretary of State that the court has ordered the suspension. The Secretary of State shall immediately record the suspension.~~

3. Effect of suspension. A court-ordered suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person appears, either in person or by counsel, or pays the fine.

4. Rescission of suspension. On appearances or payment of the fine, whichever was the basis for the suspension, and on the condition of payment of a \$50 reinstatement fee pursuant to section 2486, subsection 1 to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the \$50 reinstatement fee, shall delete any record of the suspension, ~~from that person's driving record.~~

(9) 29-A MRSA §2608, as amended by PL 2009, c.213, Pt. YYYY, §5, is further amended to read:

~~If a person fails to answer in any traffic infraction proceeding under Title 23, section 1980 or any traffic infraction provision of this Title by the date specified in the Violation Summons and Complaint, fails to appear for trial or pay a fine assessed in any traffic infraction proceeding, the clerk shall suspend the person's license or permit, right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit.~~

If a person who is not an individual fails to appear, answer or pay a fine in a traffic infraction proceeding, the clerk shall suspend the registration of the motor vehicle involved in the offense, ~~or that person's right to operate that vehicle in the State.~~

The clerk shall immediately notify that person of the suspension by regular mail or personal service. The suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person answers or appears, either in person or by counsel, or pays the fine. On answer, appearance or payment of the fine, whichever was the basis for the suspension, and on condition of payment of a \$50 reinstatement fee pursuant to section 2486, subsection 1 to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the \$50 reinstatement fee pursuant to section 2486, subsection 1, shall delete any record of the suspension ~~from that person's driving record.~~

Written notice is sufficient if sent by regular mail to the last known name and address provided by the person on the Violation Summons and Complaint, written answer to a Violation Summons and Complaint, a written pleading filed with the violations bureau or, if the person has not so provided an address, to the address shown on the Violation Summons and Complaint, a copy of which has been served on the person. The notice must also state that the ~~license, permit or right to operate~~ registration will not be reinstated ~~and the person may not operate a motor vehicle~~ before payment of the reinstatement fee as required under section 2486.

When a court, including the violations bureau, is equipped with a computer terminal or other electronic data processing equipment having the capacity to transmit to and retrieve from the official motor vehicle records of the Secretary of State, the court may use the computer terminal or electronic data processing equipment in lieu of sending a written document to the Secretary of State.

SUMMARY

This amendment eliminates driver license suspensions for conduct not directly relating to the operation of a motor vehicle and changes the definition of habitual offender to exclude persons who commit ten or more minor moving violations during a five year period.

Lt Scott, BHS, Feb. 26, 2020
Written in red.

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

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

PART A

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

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

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

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

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

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

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

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

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

F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter

The Administrative Officer on the Courts expressed concerns regarding contested traffic violations being handled in court, by the law enforcement officer acting in that capacity and a prosecutor.

See "JTS" memo

J. J. [Signature]
M. [Signature]
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3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. A nonresident under 16 years of age who hunts without a nonresident junior hunting license commits a civil violation punishable by a fine of \$70 for each day of violation.

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

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

~~**Sec. A-6. 12 MRSA §11212 A, sub-§5**, as amended by PL 2019, c. 325, §4, is further amended to read:~~

~~**5. Possession of wild animals or wild birds.** A person may not possess a wild animal or wild bird taken in violation of subsection 2 or 3, except as otherwise provided in this Part. A person who possesses a wild animal or wild bird in violation of this subsection commits a civil violation punishable by a fine of up to \$300.~~

~~**Sec. A-7. 12 MRSA §11212 A, sub-§6**, as enacted by PL 2017, c. 176, §2, is amended to read:~~

~~**6. Penalty.** Except as provided in subsection 5, a [A] person who violates this section commits a Class E crime.~~

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

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

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

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

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

Sec. A-10. 12 MRSA §11214, sub-§1, ¶J, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

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

Sec. A-11. 12 MRSA §11214, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §146 and affected by §422, is amended to read:

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

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

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

Sec. A-13. 12 MRSA §11302, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §158 and affected by §422, is amended to read:

3. Penalty. A person who violates this section commits a ~~Class E crime~~civil violation punishable by a fine of up to \$150.

Sec. A-14. 12 MRSA §12051, sub-§1, as repealed and replaced by PL 2013, c. 588, Pt. A, §16, is amended to read:

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

- A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays.
- B. A person may train sporting dogs on wild birds at any time, including Sundays.
- C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109. A person may train dogs on pen-raised birds at any time without a license. For the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail, pheasant, pigeons and Hungarian partridge.

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

Sec. A-15. 12 MRSA §12051, sub-§6, as enacted by PL 2013, c. 247, §2 and c. 286, §2, is amended to read:

6. Effect of revocation. A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902. ~~A person who violates this subsection commits a civil violation punishable by a fine of up to \$100.~~

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

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

Note from JO + JFW
This section of bill not needed. No change in law.

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Sec. A-17. 12 MRSA §12055, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

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

Sec. A-18. 12 MRSA §12101, sub-§1-A, as enacted by PL 2003, c. 655, Pt. B, §199 and affected by §422, is amended to read:

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

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

Sec. A-19. 12 MRSA §12508, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. License required. A person who owns a private pond may not charge others for the opportunity to fish in that private pond unless the owner of that pond possesses a valid private fee pond license issued by the commissioner under this section.

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

Sec. A-20. 12 MRSA §12551-A, sub-§5, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended to read:

B. The holder of a live bait retailer's license:

(1) May not take or possess for the purposes of retail sale live baitfish or smelts from the inland waters of the State or private ponds;

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

(3) May not possess at that person's place of business any species of fish that may not legally be sold as bait.

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

Sec. A-21. 12 MRSA §12551-A, sub-§6, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended to read:

B. The holder of a baitfish wholesaler's license may not:

- (1) When engaged in taking, or assisting in taking, live baitfish for resale from inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175;
- (2) Take baitfish other than by use of a seine as defined in section 10001, subsection 55; a baitfish trap as defined in section 10001, subsection 7; a dip net, a drop net, a lift net or a bag net; or by hook and line;
- (3) Attempt to take live bait for resale from the inland waters of the State by fishing through the ice using drop nets unless the holder marks all holes made in the ice by the holder for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;
- (4) Take eels;
- (5) Take or sell suckers, Genus Catostomus, greater than 10 inches in length between April 1st and September 30th of each year; or
- (6) Possess at that person's place of business any species of fish that may not legally be sold as bait.

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

Sec. A-22. 12 MRSA §12551-A, sub-§7, ¶B, as amended by PL 2005, c. 237, §3, is further amended to read:

B. The holder of a smelt wholesale dealer's license may not:

- (1) When engaged in taking, or assisting in taking, live smelts for resale from inland waters, fail to exhibit the license to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation punishable by a fine of up to \$175;
- (2) Take multiple bag limits from waters governed by general rules regulating the taking of smelts in order to attain the 8-quart limit of smelts described in paragraph A, subparagraph (2);
- (3) Use a seine to take smelts;
- (4) Transport or possess at the holder's business facility more than the daily bag limit of smelts at any time unless the smelts were acquired in accordance with paragraph A, subparagraph (4). If the smelts were purchased from another person, the license holder must present a receipted invoice, bill of lading or bill of sale to any agent of the commissioner upon request;
- (5) Transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts;
- (6) Permit any person to transport live smelts on the license holder's behalf directly from an inland water source;
- (7) Attempt to take from the inland waters of the State live smelts for resale using drop nets through the ice unless the license holder marks all holes made in the ice by that license holder for that purpose. The holes must be marked either by evergreen boughs placed around the hole or by suspending at least one strand of fluorescent

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

biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides;

(8) Take smelts unless the holder uses an operable commercially manufactured number 14 fish grader to sort smelts by size during the taking of smelts. The holder shall liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a commercially manufactured number 14 grader is a grader having a minimum grate size of 14/64 inches and that allows smelts to pass through at least 2 sides and the bottom of the grader. The commissioner may adopt rules to amend the grate size restrictions under this subparagraph if the commissioner determines such rules are necessary for conservation or enforcement purposes;

(9) Possess at that person's place of business any species of fish that may not legally be sold as bait;

(10) Use particles of food or any other type of bait or lure except light to lure smelts to a drop net or a lift net; or

(11) Use a dip net to take smelts unless that dip net meets the requirements under section 10001, subsection 12-A.

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

Maine State Police pointed out inconsistencies in 351 subsections 1, 1-A and 5. PART B

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

B. A Class E ~~crime~~ civil violation traffic infraction punishable by a fine of up to \$50-\$75 if the vehicle was not registered or the registration has been expired for 150 days or more.

Sec. B-2. ~~29-A MRSA §956, sub-§6~~, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

~~6. Penalty. Violation of this section subsection 4 is a Class E crime. Violation of subsection 1, 2 or 5 is a civil violation punishable by a fine of \$250.~~

Sec. B-3. 29-A MRSA §1251, sub-§1, as amended by PL 2013, c. 24, §1, is further amended to read:

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

A. Without being licensed. Violation of this paragraph is a Class E ~~crime~~, which is a strict liability ~~crime~~ as defined in Title 17-A, section 34, subsection 4 A ~~civil violation traffic infraction punishable by a fine of up to \$75-125~~;

B. In violation of a condition or restriction on the license. Violation of this paragraph is a Class E ~~crime~~, which is a strict liability ~~crime~~ as defined in Title 17-A, section 34, subsection 4 A ~~civil violation traffic infraction punishable by a fine of up to \$50~~;

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

Maine State Police pointed out fine inconsistencies. Judicial Branch also did. See attached comments from John Smith, Judicial Structure Office of the Courts.

Secretary of State points out OWL criminal conviction results in 30 day license suspension. Sub title traffic in fisheries results in 4 demerit points.

06/22/26

Yes 2/26. Also decam. 351(1-A)(R) + 351(5)(B) L+ Scott 351 1-B Yea 1-A (B) Yea 5-(B) Yea

Yes 2/26

D. Without a license issued by this State if a resident of this State for more than 90 days. Violation of this paragraph is a ~~Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4 A~~ civil violation traffic infraction punishable by a fine of up to \$75; or

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

Sec. B-4. 29-A MRSA §1251, sub-§1-A, ¶B, as enacted by PL 1999, c. 771, Pt. C, §9 and affected by Pt. D, §§1 and 2, is amended to read:

B. A ~~Class E crime~~ civil violation traffic infraction punishable by a fine of up to \$75 if the person has been a resident for at least 90 days.

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

7. Violation. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by a fine of up to \$150 if that person operates a vehicle not included within the class of license issued to that person.

Sec. B-6. 29-A MRSA §1603, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9. Return license, certificates and plates. A person whose license or registration has been suspended shall immediately return every license, registration certificate and registration plate issued to that person to the Secretary of State. A person commits a ~~Class E crime~~ civil violation traffic infraction punishable by a fine of up to \$50 if that person, after notice of suspension, fails or refuses to return every license, registration certificate and registration plate.

Sec. B-6A. 29-A MRSA §1605, sub-5 is further amended to read

5. Penalty. Violation of this section is a traffic infraction, for which a forfeiture of ~~not less than up to \$100 and not more than \$500~~ may be assessed.

Sec. B-7. 29-A MRSA §1605, sub-§6, as amended by PL 2017, c. 165, §5, is further amended to read:

6. Operating without giving proof. A person commits a ~~Class D crime~~ civil violation traffic infraction punishable by a fine of \$50 if that person is required to maintain proof of financial responsibility and, without authorization from the Secretary of State and without that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be operated by another on a public way.

Sec. B-8. 29-A MRSA §1859, as amended by PL 1995, c. 65, Pt. A, §104 and affected by §153 and Pt. C, §15, is further amended to read:

§ 1859. Removal of vehicle

Removal of a vehicle described in section 1851 or of any part or accessory from the vehicle without the written consent of the person in charge or the owner of the premises or property where the vehicle is located is a ~~Class E crime~~ civil violation traffic infraction punishable by a fine of \$75. This section applies to all persons, including the owner of the vehicle.

Sec. B-9. 29-A MRSA §1860, as enacted by PL 1995, c. 65, Pt. A, §105 and affected by §153 and Pt. C, §15, is amended to read:

§ 1860. Abandonment on an island

Secretary of State pointed out need to change with Section 1601
See John Smith

Maine State Police pointed out inconsistency with Section 1601
See John Smith

PL 2-26

A person may not abandon a motor vehicle on any property on an island without consent of the owner of the property. The State, municipality or other political subdivision having jurisdiction over the island may order the owner of a vehicle illegally abandoned on an island to remove it at the vehicle owner's expense. If the owner of the vehicle refuses to remove the motor vehicle, or if the owner is unknown, the State or political subdivision may cause the vehicle to be removed from the island and may require reimbursement from the owner for the removal and the administrative and legal costs. Neither the State nor any political subdivision of the State is liable for any damage to the motor vehicle that may be caused by the removal. Failure to remove an illegally abandoned vehicle on an island within 30 days after written warning, or within 30 days of ice-out if ice prevents the island from being reasonably accessible, is a Class E crime civil violation traffic infraction punishable by a fine of \$50.

See Justice Smith memo.

Sec. B-10. 29-A MRSA §2102, sub-§1, as amended by PL 2009, c. 493, §2, is further amended to read:

1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a Class E crime civil violation traffic infraction punishable by a fine of \$150 if that person displays a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

Sec. B-11. 29-A MRSA §2102, sub-§1-A, as amended by PL 2009, c. 493, §2, is further amended to read:

1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card. A person commits a Class E crime civil violation traffic infraction punishable by a fine of \$150 if that person possesses a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

Maine State Police pointed out inconsistency between subsections 1 and 1-B. See also 1-A.

Sec. B-12. 29-A MRSA §2104, as amended by PL 2015, c. 176, §5, is further amended to read:

§ 2104. Improper plates

1. Attaching false plates. A person commits a Class E crime civil violation traffic violation punishable by a fine of \$150 if that person attaches to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

1-A. Permitting attachment of false plates. A person commits a Class E crime civil violation traffic infraction punishable by a fine of \$100 if that person permits to be attached to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

1-B. Permitting display of false registration validation device. A person commits a Class E crime if that person permits to be attached or displayed on a vehicle registration plate a registration validation device issued for another vehicle.

traffic infrac-
tion
2/26
2/26 yes

2. False identification. A person commits a Class E crime civil violation traffic infraction punishable by a fine of \$50 if that person obscures identification numbers, identification letters, the state name, validation sticker or mark distinguishing the type of plate attached to a vehicle.

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

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

yes 2/26

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

Sec. B-13. 29-A MRSA §2308, sub-§6, as amended by PL 2019, c. 318, §4, is further amended to read:

6. **Penalty.** A violation of subsection 2 is a Class E crime that is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense. A violation of subsection 4 is a civil-violation traffic infraction punishable by a fine of \$125.

Sec. B-14. 29-A MRSA §2412-A, sub-§1-A, as amended by PL 2009, c. 297, §1, is further amended to read:

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

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

- (1) Has received written notice of a suspension or revocation from the Secretary of State or a court;
- (2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;
- (3) Has actual knowledge of the suspension or revocation;
- (4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4; or
- (5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608;

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

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

- (1) Has one prior conviction for violating this section;
- (2) Has 2 prior convictions for violating this section; or
- (3) Has 3 or more prior convictions for violating this section; or

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

Except for an offense under paragraph A, subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A violation of paragraph A is a civil-violation traffic infraction punishable by a fine of \$125 \$150.

Sec. B-15. 29-A MRSA §2412-A, sub-§8, as amended by PL 2009, c. 493, §3, is further amended to read:

Robert O'Connell pointed out provisions of law under which the court or Secretary of State may suspend a license for violation of a law that is not related to driving.

Secretary of State pointed out traffic infraction results in 60 day suspension, criminal conviction OUI results in 60 day suspension.

Secretary of State pointed out items needed for conviction 2413-A, 2454, 2456 and 2458(2-A).

1/26
Writing Ben's
Draft of sub-§1-A
dec is not a
road - A very rough

Ben's
Draft

Xad 2/26

B-15 to C-2
2/26

no decision
2/26

8. Traffic infraction. A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of a 2 prior ~~offense~~offenses under this section and ~~the sole basis for the suspension is:~~

- A. Failure to pay a fine;
- B. Failure to pay a license reinstatement fee; or
- C. Suspension for a dishonored check.

Sec. B-16. 29-A MRSA §2417, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§ 2417. Suspended registration

A person commits a ~~Class E offense civil violation~~ traffic infraction punishable by a fine of \$125 if that person operates or permits another to operate a vehicle when the registration of that vehicle is suspended or revoked.

Sec. B-17. 29-A MRSA §2551-A, is amended to read

§2551-A. Habitual offender

1. Habitual offender defined. An habitual offender is a person whose record, as maintained by the Secretary of State, shows that:

A. The person has accumulated 3 or more convictions or adjudications for distinct offenses described in this paragraph arising out of separate acts committed within a 5-year period:

- (1) Homicide resulting from the operation of a motor vehicle;
 - (2) OUI conviction;
 - (3) Driving to endanger, in violation of section 2413;
 - (4) Operating after suspension or revocation, in violation of subsections 2412-A(1-A), (B), (C), and (D);
 - (5) Operating without a license;
 - (6) Operating after revocation, in violation of former section 2557, section 2557-A or section 2558;
 - (7) Knowingly making a false affidavit or swearing or affirming falsely in a statement required by this Title or as to information required in the administration of this Title;
 - (8) A Class A, B, C or D offense in which a motor vehicle is used;
 - (9) Leaving the scene of an accident involving injury or death, in violation of section 2252;
 - (10) Leaving the scene of an accident involving property damage, in violation of section 2253, 2254 or 2255;
 - (11) Eluding an officer, in violation of section 2414;
 - (12) Passing a roadblock, in violation of section 2414, subsection 4;
 - (13) Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more; and
 - (14) For a person whose license is reinstated pursuant to section 2412-A, subsection 7 or section 2508, operating a motor vehicle without an ignition interlock device; tampering with or circumventing the operation of an ignition interlock device; or requesting or soliciting another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle; or
- B. The person has accumulated 10 or more convictions or adjudications for moving violations arising out of separate acts committed within a 5-year period.

PART C

Sec. C-1. 17-A MRSA §4-B, subsection 4 is amended to read:

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

Sec. C-2. 17-A MRS §4-B, subsection 5 is enacted to read:

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

SUMMARY

In Part A, this bill:

1. Changes the definition of "habitual violator" in the inland fisheries and wildlife laws by including a person whose convictions are for civil violations or a combination of civil violations and criminal violations. Current law includes only criminal violations; and
2. Reduces from Class E crimes to civil violations the following violations of the inland fisheries and wildlife laws and sets the fines for the civil violations:
 - A. For resident and nonresident junior hunters, hunting without a license;
 - B. Practicing falconry without a permit;
 - C. ~~Possessing wild animals or wild birds taken in violation of the law that prohibits shooting while in or on a vehicle;~~
 - D. Hunting migratory game birds with a shotgun capable of holding more than 3 shells;
 - E. Leaving or allowing to remain duck decoys or a stationary blind or parts of an artificial cover in Merrymeeting Bay at night;
 - F. Illegally placing bear bait to entice, hunt or trap black bear or hunting bear with more than 6 dogs;
 - G. With regard to a person who is not a resident of the State, hunting bear with dogs without a guide;
 - H. Training dogs on wild birds or wild animals, except in certain circumstances;
 - I. ~~Training dogs when the person has a license that is suspended or revoked;~~
 - J. Holding field trials for beagles and other rabbit hounds except from September 1st through the following April 10th;
 - K. Holding field trials for sporting dogs without a license;
 - L. Charging others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge or Hungarian partridge or operating a commercial shooting area for such birds without a license;
 - M. Charging another person for the opportunity to fish in a private pond without holding a valid private fee pond license; and
 - N. Failing to present upon request to any agent of the Commissioner of Inland Fisheries and Wildlife a receipted invoice, bill of lading, bill of sale, license or other satisfactory evidence of lawful possession of live baitfish for retail or wholesale sale or smelts for wholesale sale.

In Part B, the bill does the following:

1. Reduces from Class E crimes to civil violations traffic infractions the following violations of the motor vehicle laws and sets the fines for the civil violations:
 - A. Failure to register a vehicle or having registration that has been expired for 150 days or more;
 - B. ~~Failure by a motor vehicle dealer to maintain records of purchase or sale of vehicles and failure to maintain records of all sales representatives and full time employees, vehicles and vehicle parts and make them available for inspection by representatives of the Secretary of State, the Attorney General or law enforcement officers;~~
 - C. Operating a motor vehicle on a public way or parking area without being licensed or in violation of a condition or restriction on the license;

HP1454, LD 2043, item 1, 129th Maine State Legislature
An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase
the Efficiency of the Criminal Justice System

- D. Failure to obtain a license after establishing residency for more than 90 days;
- E. With regard to Class A, B and C motor vehicle licenses, operating a vehicle not included in the class of the person's license;
- F. With regard to suspension of a license or registration, failure of the person to surrender to the Secretary of State every license, registration certificate and registration plate;
- G. Operating a motor vehicle without proof of financial responsibility;
- H. With regard to a motor vehicle that is abandoned, removal of the vehicle or any part or accessory thereof without written consent;
- I. With regard to a motor vehicle illegally abandoned on an island, failure to remove the vehicle within the designated time frame;
- J. Displaying or possessing a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card;
- K. Attaching or permitting attachment to a motor vehicle a registration plate assigned to another vehicle or not currently assigned to the vehicle;
- L. Obscuring identification numbers or letters, the state name, the validation sticker or a mark distinguishing the type of plate attached to the vehicle;
- M. The use by a school bus operator of flashing lights on the bus other than for the purpose of controlling traffic when stopping to receive or discharge school-age persons; and
- N. Operating or permitting another person to operate a motor vehicle when the registration has been suspended or revoked; and

2. Designates as a traffic infraction operating a motor vehicle while the person's driver's license is suspended if the person does not have 2 prior operating while license is suspended or revoked offenses.

3. Clarifies that a habitual offender is someone who has accumulated 3 or more convictions or adjudications for distinct OUI or OUI offense arising out of separate acts committed within a 5-year period and

In Part C, this bill:

- 1. Clarifies that evidence obtained in an unlawful search and seizure is inadmissible in all civil proceedings.
- 2. Allows a law enforcement officer who has probable cause to believe a civil violation is taking place to make an application for a search warrant.

From Ben Tucker, SOS, Bureau of Motor Vehicles
2/23/20

Criminal Justice and Public Safety Committee
Work session, February 26, 2020

LD 2043, "An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System"

BMV proposal for amendment [New BMV language highlighted]

Section B-14. 29-A MRSA §2412-A, sub-§1-A, as amended by PL 2009, c. 297, §1, is further amended to read:

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

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

- (1) Has received written notice of a suspension or revocation from the Secretary of State or a court;
- (2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;
- (3) Has actual knowledge of the suspension or revocation;
- (4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4; or
- (5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608;

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

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

- (1) Has one prior conviction for violating this section;
- (2) Has 2 prior convictions for violating this section; or
- (3) Has 3 or more prior convictions for violating this section; or

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

E. Violates paragraph A, and the suspension or revocation was pursuant to Title 29-A, section 2413-A; Title 29-A, section 2454; Title 29-A, section 2456; or Title 29-A, section 2458(2-A).

Except for an offense under paragraph A, subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. A violation of paragraph A is a traffic infraction punishable by a fine of \$150.

Yes
2/26