



HOUSE OF REPRESENTATIVES

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Testimony of Rep. Bill Pluecker introducing

LD 428, An Act to Reclassify Certain Offenses Under the Inland Fisheries and Wildlife Laws and Increase the Efficiency of the Criminal Justice System *Before the Joint Standing Committee on Criminal Justice and Public Safety*

Sen. Beebe-Center, Rep. Salisbury, and the entire Criminal Justice and Public Safety committee, thank you for the opportunity to present LD 428, "An Act to Reclassify Certain Offenses Under the Inland Fisheries and Wildlife Laws and Increase the Efficiency of the Criminal Justice System." LD 1604 from the 130th legislature passed this committee and the full House last session to die in the Senate upon adjournment. We have divided that bill into two bills, one addressing crimes in the Inland, Fisheries, and Wildlife statutes, and another addressing moving violations crimes. This bill is the part addressing the IF&W statute.

Both bills have the support of the Maine Association of Criminal Defense Attorney's, the Maine Prosecutor's Association, and the Maine State Police. This bill addresses a number of minor crimes in the IF&W statute where there is consensus that they can be made into civil offenses. As you can see from the summary of the bill, some of the crimes it reduces to civil penalties are: "junior hunting without a license, unlawful practice of falconry, unlawful hunting of migratory birds with a shotgun, or allowing duck decoys or a stationary blind to remain in the water in Merrymeeting Bay beyond the legal hours."

There are a few crimes, such as hunting bears with dogs that are still a crime, but the period of incarceration is being removed as a penalty. And for all these infractions, if there are a cumulative 3 civil violations or civil and criminal violations, then the offender is considered a habitual offender, ~~and they will no longer be charged with civil offenses. They will be charged with Class E crimes.~~

Our judicial system is beyond backed up right now. Many of these minor infringements are clogging the system so that bigger cases cannot be dealt with. I will let the Maine Prosecutors Association speak for themselves, but this is one of the reasons why they are supporting this bill. There are bigger fish to fry and they'd like to do their jobs.

The Class E crimes that are in the IF&W statute are intended to protect our environment and enforce our hunting laws. Nevertheless, we recognize that they are the most minor of infringements, that is why we make them Class E crimes, the lowest in our statute. Right now, these low level crimes are clogging up the judicial system, getting in the way of our ability to

prosecute the higher grade crimes. These civil penalties will do the same job of dissuading people from committing these infractions, especially as the level of fines outlined in this bill are frequently the same level levied in court proceedings. If the civil offenses are not dissuading the habitual offenders then they will be charged with the Class E crime, the same as before. This bill will continue to dissuade people from these offenses, but at the same time give our wardens, police, and prosecutors the opportunity to spend their time on the larger cases that really need their attention.

Thank you so much for your attention. I am happy to answer any questions, though I may refer those of a legal nature to the attorneys following me.