

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

BEFORE THE JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

IN SUPPORT OF L.D. 428

“An Act to Reclassify Certain Offenses Under the Inland Fisheries and Wildlife Laws and Increase the Efficiency of the Criminal Justice System”

Presented by Representative PLUECKER of Warren.

Cosponsored by Senator BEEBE-CENTER of Knox and Representatives: NEWMAN of Belgrade, NUTTING of Oakland, SALISBURY of Westbrook, WARREN of Scarborough, Senator: BRAKEY of Androscoggin

DATE OF HEARING: March 6, 2023

Senator Beebe-Center, Representative Salisbury and esteemed members of the Joint Standing Committee on Criminal Justice and Public Safety.

I am Dan Scott, Colonel of the Maine Warden Service, here today to speak testify in favor (with clarifications) to LD 428, An Act to Reclassify Certain Offenses Under Inland Fisheries and Wildlife Laws and Increase the Efficiency of the Criminal Justice System.

For a number of years there have been numerous efforts to decriminalize portions of Title 12, with the most significant effort being around 2002 when many of our recreational vehicle and watercraft statutes were reclassified as civil violations.

Since that time there have been numerous additional efforts, including the most recent during the 130th Legislative Session. The Maine Department of Inland Fisheries and Wildlife has supported these efforts to varying degrees as they have come up, and we are supportive of efforts to make our criminal justice systems more efficient.

In the past we have worked with the Maine Prosecutors’ Association, The Attorney General’s Office, the Office of the Chief Justice and numerous legislators in order to move these initiatives forward. LD 428 is this most recent effort and is no exception.

Our only concern with the bill as written is in several sections LD 428 seeks to classify several violations as Class E crimes where “No term of imprisonment may be imposed.” I personally am not familiar with any other statutes that provide this penalty structure.

Maine’s Criminal Code authorizes the warrantless arrest of an individual if that person commits a misdemeanor crime in the presence of a law enforcement officer.

Having some Class E crimes authorizing arrest and others prohibiting it would be confusing to law enforcement officers as well as the public, exposing everyone to unnecessary liability.

Before completely supporting this bill I will need clarification if the “No term of imprisonment may be imposed” only applied as sentencing by a judge, or does this also effect the game warden’s ability to make an arrest?

Additionally, there are potentially some additional statutes which we may be able to suggest be added to this bill, in order to streamline the criminal justice system. We look forward to more collaboration with Representative Pluecker and the Maine Prosecutors’ Association prior to work session

I can answer questions at this time or during work session.