

CHAPTER 809

JURISDICTION AND PENALTIES

§9701. Penalty

Unless otherwise specifically stated, any person who violates any requirement of this Part, the condition or terms of any permit or license issued by the director or the provision of any rule or regulation of the bureau commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. Each day of a violation shall be considered a separate offense. [PL 1979, c. 545, §3 (NEW); PL 2011, c. 657, Pt. W, §7 (REV); PL 2013, c. 405, Pt. A, §23 (REV).]

In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund of the State if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is "substantially justified" if the defense had a reasonable basis in law or fact at the time it was raised. [PL 2009, c. 536, §2 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2009, c. 536, §2 (AMD). PL 2011, c. 657, Pt. W, §7 (REV). PL 2013, c. 405, Pt. A, §23 (REV).

§9702. Hindering state forest ranger or town forest fire warden

1. Hinder performance of duties or access. A person may not:

A. Prevent or obstruct a state forest ranger or town forest fire warden in the performance of the ranger's or warden's duties or the exercise of the rights of entry, access or examination by any state forest ranger or town forest fire warden. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or [PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Attempt to prevent or obstruct a state forest ranger or town forest fire warden in the performance of the ranger's or warden's duties or the exercise of the rights of entry, access or examination by any state forest ranger or town forest fire warden. [PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Penalty. A person who violates subsection 1 commits a Class E crime. [PL 2003, c. 452, Pt. F, §50 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 2003, c. 452, §F50 (RPR). PL 2003, c. 452, §X2 (AFF).

§9703. Partial payment of costs of suppressing forest fires

Any person who intentionally or negligently causes a fire that burns forest, brush, grass or other lands or intentionally fails to take reasonable action to control a fire on that person's own land is liable civilly for restitution of costs incurred by state or municipal government entities in the suppression of that fire, up to the maximum amount of restitution permitted under section 9321. Compliance with section 9405-A does not relieve a railroad company of liability under this section. [PL 1993, c. 271, §3 (AMD); PL 1993, c. 271, §4 (AFF).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1987, c. 464, §2 (AMD). PL 1991, c. 528, §E12 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §E12 (AMD). PL 1993, c. 271, §3 (AMD). PL 1993, c. 271, §4 (AFF).

§9704. Penalties not substitutes for existing liabilities

None of the penalties imposed by this Part shall be considered as substitutes for or as repealing laws making persons guilty of crimes, offenses or acts of trespass or liable for civil damages to persons injured by such acts, except that any person who invokes the remedy of section 9324, subsection 2, is barred from an action at common law for damages so sued for. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9705. Recovery of certain penalties

The penalty set forth in section 9701 when applied to the acts enumerated in section 9324, subsections 1 to 3, may be recovered in a civil action and payable 1/2 to the municipality, if any, where the offense is committed and 1/2 to the State. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW).

§9706. Jurisdiction for prosecutions

The District Court shall have original and concurrent jurisdiction with the Superior Court in all prosecutions under this Part. Any person arrested as a violator may, with reasonable diligence, be taken before the District Court in the division nearest to where the offense is alleged to have been committed for a warrant and trial or to the District Court in adjoining divisions to the division, jurisdiction to be exercised in the same manner as if the offense had been committed in such division. [PL 1979, c. 545, §3 (NEW).]

If such person fails to appear in court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposited forfeited and may take any other action considered necessary. [PL 1979, c. 545, §3 (NEW).]

SECTION HISTORY

PL 1979, c. 545, §3 (NEW). PL 1989, c. 174, §9 (AMD). PL 1989, c. 704, §1 (AMD).

§9707. Acceptance of personal recognizance with deposit

A forest ranger may accept recognizances in accordance with the following procedures: [PL 1989, c. 704, §2 (NEW).]

1. Acceptance. A forest ranger making an arrest for any crime defined in this chapter at a point more than 50 miles distant from the nearest District Court may accept the personal recognizance of the arrested person in an amount not to exceed \$500 for the arrested person's appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance; [PL 1989, c. 704, §2 (NEW).]

2. Report. The forest ranger shall report any personal recognizance with deposit accepted and forward that deposit to the District Court to which the recognizance is returnable; and [PL 1989, c. 704, §2 (NEW).]

3. Forfeiture of deposit. If the person on bail fails to appear in the court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposit forfeited and may take any other action necessary. Forfeited money collected by the court must be paid to the General Fund.

[PL 1989, c. 704, §2 (NEW).]

SECTION HISTORY

PL 1989, c. 704, §2 (NEW).

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