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AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 484, L.D. 657, “An Act To Clarify the Law Enforcement Powers of the Bureau of Parks and Lands”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 12 MRSA §1806, as amended by PL 2009, c. 211, Pt. B, §3; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

§1806. Enforcement

The bureau ~~may~~ shall coordinate and exercise law enforcement power over the land and water within the bureau's jurisdiction. The provisions in this section apply to law enforcement within the jurisdiction of the bureau.

1. Powers of law enforcement officers. A law enforcement officer may issue a written summons to any person the officer has probable cause to believe has committed or is committing a bureau rule violation, a civil violation or a crime. Any law enforcement officer may detain or arrest, with or without a warrant, any person the officer has probable cause to believe has committed or is committing a crime.

2. Powers of bureau staff or agents. The director may authorize an employee or agent of the bureau appointed under subsection 2-A to issue a written summons to any person ~~who~~ the employee or agent has probable cause to believe has committed or is committing a civil violation or a crime. ~~The director may authorize an employee or agent of the bureau to detain or arrest any person who the employee or agent has probable cause to believe has committed or is committing a crime. The director shall notify the joint standing committee of the Legislature having jurisdiction over parks and public lands matters in writing prior to adopting a policy that authorizes employees or agents of the bureau to make arrests.~~

2-A. State park staff with law enforcement powers. The director may appoint state park staff with law enforcement powers to provide staffing determined to be necessary under section 1804, subsection 7. Each state park staff person appointed under this

COMMITTEE AMENDMENT

1 subsection must meet the certification and training requirements of Title 25, section
2 2803-A, subsection 8-E.

3 **3. Civil violations.** Except for violations of section 1880 or rules adopted to
4 implement section 1880, a person who violates a rule adopted by the bureau under this
5 chapter commits a civil violation for which a forfeiture of not more than \$500 may be
6 adjudged.

7 **4. Criminal offenses.** In addition to offenses designated as crimes elsewhere in
8 statute, a person commits a Class E crime if while within the jurisdiction of the bureau the
9 person in fact:

10 A. Removes, molests, injures or damages anything natural, material, prehistoric or
11 historic, except as authorized by the bureau or allowed by laws and rules relating to
12 hunting, fishing and trapping;

13 B. Removes, mutilates, defaces, or destroys a notice or rule posted by the bureau or a
14 lawfully erected monument or marker;

15 C. Mutilates, defaces, destroys, moves off station or sinks any buoy, beacon or marking
16 device placed by the State either floating on the waters of the State or permanently
17 fixed to land or a structure adjacent to the waters of the State;

18 D. Moors or in any manner fastens a vessel, boat, scow or raft to any buoy or beacon
19 placed by the State in any waters of this State or to any permanent structure placed by
20 the State in any waters of this State except for a dock, wharf or other structure placed
21 for that purpose;

22 E. Possesses a loaded weapon in violation of park rules or in areas closed to hunting
23 by rule, law or ordinance;

24 F. Discharges any firearm, bow and arrow, weapon powered by carbon dioxide
25 cartridges or other weapon within 300 feet of any picnic area, designated camping area,
26 parking area, building, shelter or boat launching site or in violation of park rules or in
27 areas closed to hunting by rule, law or ordinance;

28 G. Commits unauthorized access by motorized vehicle, boat or aircraft in violation of
29 bureau rules;

30 H. Violates the requirements for a youth camp trip leader permit issued under section
31 12860; or

32 I. Enters land or waters to which access has been restricted under section 1804.

33 **Sec. 2. 25 MRSA §2801-B, sub-§1, ¶B,** as repealed and replaced by PL 2001, c.
34 710, §11 and affected by §12 and amended by PL 2011, c. 657, Pt. W, §§5 and 7 and PL
35 2013, c. 405, Pt. A, §24, is repealed.

36 **Sec. 3. 25 MRSA §2801-B, sub-§1, ¶B-1** is enacted to read:

37 B-1. A state park staff person appointed under Title 12, section 1806, subsection 2-A;

38 **Sec. 4. 25 MRSA §2803-A, sub-§8-E** is enacted to read:

39 **8-E. Training of state park staff with law enforcement powers.** To establish
40 certification standards and a training program for state park staff with law enforcement

1 powers appointed under Title 12, section 1806, subsection 2-A. This program must
2 include:

3 A. A basic state park staff law enforcement training program developed by the Director
4 of the Bureau of Parks and Lands within the Department of Agriculture, Conservation
5 and Forestry and approved by the board that is specific to the duties of a state park staff
6 person with law enforcement powers; and

7 B. In-service law enforcement training that is specifically approved by the board as
8 prescribed in section 2804-E, with the exception of firearms training;

9 **Sec. 5. Application.** The Director of the Bureau of Parks and Lands within the
10 Department of Agriculture, Conservation and Forestry may not appoint any person
11 employed by the bureau on the effective date of this Act as a state park staff person with
12 law enforcement powers under the Maine Revised Statutes, Title 12, section 1806,
13 subsection 2-A without that person's consent.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
15 number to read consecutively.

16 SUMMARY

17 This amendment clarifies that the Director of the Bureau of Parks and Lands within the
18 Department of Agriculture, Conservation and Forestry is authorized to appoint state park
19 staff, rather than only park rangers, with law enforcement powers. The amendment
20 provides that the Director of the Bureau of Parks and Lands may not appoint any person
21 employed on the effective date of this legislation as a state park staff person with law
22 enforcement powers without the person's consent. The amendment strikes the requirement
23 for preservice law enforcement training and firearms training as in the bill for state park
24 staff with law enforcement powers.

25 FISCAL NOTE REQUIRED

26 (See attached)