

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U. S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
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MAR 30 2006

WILLIAM S. BROWNELL, CLERK
BY: _____
DEPUTY CLERK

In Re: Forfeiture of Collateral)
U.S. Department of Agriculture)
Forest Service)

Case No. _____

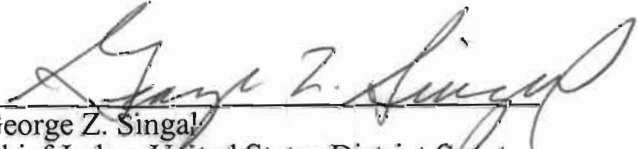
ORDER FIXING PENALTIES FOR
OFFENSES COMMITTED WITHIN THE
NATIONAL FOREST SYSTEM

The penalty for those violations of 36 CFR 261 which occur in that portion of the White Mountain National Forest located in the State of Maine and within the jurisdiction of this Court shall be in accordance with the fine schedule attached hereto. The Order of this Court dated May 10, 2004 is hereby vacated..

SO ORDERED.

Dated:

3/30/06


George Z. Singal
Chief Judge, United States District Court

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. FOREST SERVICE AND NATIONAL FOREST SYSTEM OFFENSES
COLLATERAL FORFEITURE SCHEDULE
FEDERAL RULES OF CRIMINAL PROCEDURE -- RULE 58(d)(1)

SCHEDULE OF FINES FOR OFFENSES COMMITTED
WITHIN A NATIONAL FOREST

Subpart A – General Prohibitions

36 CFR 261.3 INTERFERING WITH A FOREST OFFICER

The following are prohibited:

(a) Threatening, resisting, intimidating, or interfering with any Forest Officer engaged in or on account of the performance of his/her official duties in the protection, improvement, or administration of the National Forest System is prohibited.

**Mandatory
Appearance**

(b) Giving any false, fictitious or fraudulent report or other information to any Forest Officer engaged in or on account of the performance of his official duties knowing that such report or other information contains false, fictitious or fraudulent statement or entry.

\$150

(c) Threatening, intimidating, or intentionally interfering with any Forest Officer, volunteer, or human resource program enrollee while engaged in, or on the account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service.

**Mandatory
Appearance**

36 CFR 261.4 DISORDERLY CONDUCT

The following are prohibited:

(a) Engaging in fighting.

\$250

(b) Addressing any offensive, derisive, or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually, the remark is addressed.

\$150

(c) Make statements or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.

\$150

(d) Causing public inconvenience, annoyance, or alarm by making unreasonably loud noise.

\$150

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36 CFR 261.5 FIRE

The following are prohibited:

- | | |
|--|--------------|
| (a) Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire. | \$250 |
| (b) Firing any tracer bullet or incendiary ammunition. | \$200 |
| (c) Causing timber, trees, slash, brush or grass to burn except as authorized by permit. | \$250 |
| (d) Leaving a fire without completely extinguishing it. | \$150 |
| (e) Allowing a fire to escape from control. | \$150 |
| (f) Building, attending, maintaining, or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape. | \$150 |

36 CFR 261.6 TIMBER

The following are prohibited:

- | | |
|--|--------------|
| (a) Cutting or otherwise damaging any timber, tree, or other forest product, except as authorized by a special use authorization, timber sale contract, Federal law or regulation. | \$200 |
| (b) Cutting any standing tree, under permit or timber sale contract, before a Forest Officer has marked it or has otherwise designated it for cutting. | \$200 |
| (c) Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted, or otherwise accounted for by a Forest Officer. | \$200 |
| (d) Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by Forest Officers to mark or designate a tree or any other forest product for cutting or removal. | \$500 |
| (e) Loading, removing or hauling timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such permit or contract. | \$200 |
| (f) Selling or exchanging any timber or other forest product obtained under free use pursuant to 223.5 through 223.11. | \$100 |
| (g) Violating any timber export or substitution restriction in 223.160 through 223.164. | \$100 |
| (h) Removing any timber, tree, or other forest product, except as authorized by a special use authorization, timber sale contract, Federal law or regulation. | \$250 |

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(i) Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620, et seq.), or its implementing regulations at 36 CFR 223.185-223.203. **\$250**
36 CFR 261.7 LIVESTOCK

The following are prohibited:

(a) Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control. **\$50**

(b) Not removing unauthorized livestock from the National Forest System or other lands under Forest Service control when requested by a Forest Officer. **\$100**

(c) Failing to reclose any gate or other entry. **\$50**

(d) Molesting, injuring, removing, or releasing any livestock impounded under 262.10 while in the custody of the Forest Service or its authorized agents. **\$150**

36 CFR 261.8 FISH AND WILDLIFE

The following are prohibited to the extent Federal or State law is violated:

(a) Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird. **\$150**

(b) Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life. **\$150**

(c) Possessing equipment which could be used for hunting, fishing, or trapping. **\$150**

(d) Possessing a dog not on a leash or otherwise confined. **\$50**

(e) Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource. **\$100**

36 CFR 261.9 PROPERTY

The following are prohibited:

(a) Damaging any natural feature or other property of the United States. **\$200**

(b) Removing any natural feature or other property of the United States. **\$250**

(c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. **\$250**

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- | | |
|--|--------------|
| (d) Removing any plant that is classified as a threatened, endangered, sensitive, rare, or unique species. | \$250 |
| (e) Entering any building, structure, or enclosed area owned or controlled by the United States when such building, structure, or enclosed area is not open to the public. | \$200 |
| (f) Using any pesticide except for personal use as an insect repellent or as provided by special use authorization for other minor uses. | \$150 |
| (g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact or property. | \$500 |
| (h) Removing any prehistoric, historic, or archaeological resource, structure, site, artifact or property. | \$500 |
| (i) Excavating, damaging, or removing any vertebrate fossil or removing any paleontological resource for commercial purpose without a special use authorization. | \$500 |
| (j) Excavating, damaging, or removing any cave resource from a cave without a special use authorization, or removing any cave resource for commercial purposes. | \$500 |

36 CFR 261.10 OCCUPANCY AND USE

The following are prohibited:

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|--|--------------|
| (a) Constructing, placing, or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment, or other improvement on National Forest System land or facilities without a special-use authorization, contract, or approved operating plan. | \$250 |
| (b) Taking possession of, occupying, or otherwise using National Forest System lands for residential purposes without a special-use authorization, or as otherwise authorized by Federal law or regulation. | \$250 |
| (c) Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation, or special-use authorization. | \$250 |
| (d) Discharging a firearm or any other implement capable of taking human life, causing injury, or damaging property as follows: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) Across or on a National Forest System road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result in such discharge, or (3) Into or within any cave. | \$350 |
| (e) Abandoning any personal property. | \$250 |
| (f) Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person. | \$150 |

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- (g) Commercial distribution of printed material without a special use authorization. **\$150**
- (h) When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands; misrepresenting the purposes or affiliations of those selling or distributing the material; or misrepresenting the availability of the material without cost. **\$150**
- (i) Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person. **\$100**
- (j) Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite or developed recreation site or over an adjacent body of water without a special-use authorization. **\$150**
- (k) Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required. **\$150**
- (l) Violating any term or condition of a special-use authorization, contract or approved operating plan. **\$250**
- (m) Failing to stop a vehicle when directed to do so by a Forest Officer. **\$250**
- (n) Failing to pay any special use fee or other charges as require. **\$250**
- (o) Discharging or igniting a firecracker, rocket or other firework, or explosive into or within any cave. **\$250**

36 CFR 261.11 SANITATION

The following are prohibited:

- (a) Depositing in any toilet, toilet vault, or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture. **\$200**
- (b) Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition. **\$200**
- (c) Placing in or near a stream, lake, or other water any substance which does or may pollute a stream, lake, or other water. **\$250**
- (d) Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes. **\$200**
- (e) Dumping of any refuse, debris, trash or litter brought as such from private property or from land occupied under permit, except, where a container, dump or similar facility has been

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provided and is identified as such, to receive trash generated from private lands or lands occupied under permit. **\$250**

36 CFR 261.12 NATIONAL FOREST SYSTEM ROADS AND TRAILS

The following are prohibited:

(a) Violating the load, weight, height, length, or width limitations prescribed by State law, except by special-use authorization of written agreement or by order issued under 261.54 of this Chapter. **\$100**

(b) Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign. **\$100**

(c) Damaging and leaving in a damaged condition any such road, trail, or segment thereof. **\$250**

(d) Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate. **\$150**

36 CFR 261.13 MOTOR VEHICLE USE

After National Forest System roads, National Forest System trails, and area on National Forest System lands have been designated pursuant to 36 CFR 212.51 on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on a motor vehicle use map, it is prohibited to possess or operate a motor vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations, provided that the following vehicles and uses are exempted from this prohibition: **\$150**

(a) Aircraft;

(b) Watercraft;

(c) Over-snow vehicles;

(d) Limited administrative use by Forest Service;

(e) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;

(f) Authorized use of any combat or combat support vehicle for national defense purposes;

(g) Law enforcement response to violations of law, including pursuit;

(h) Motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations; and

(i) Use of a road or trail that is authorized by a legally documented right-of-way held by

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State, county, or other local public road authority.

36 CFR 261.14 USE BY OVER-SNOW VEHICLES

It is prohibited to possess or operate an over-snow vehicle on National Forest System lands in violation of a restriction or prohibition established pursuant to 36 CFR 212, subpart C, provided that the following uses are exempted from this section: **\$150**

- (a) Limited administrative use by Forest Service;
- (b) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes;
- (c) Authorized use of any combat or combat support vehicle for national defense purposes;
- (d) Law enforcement response to violations of law, including pursuit;
- (e) Use by over-snow vehicles that is specifically authorized under a written authorization issued under Federal law or regulations; and
- (f) Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority.

36 CFR 261.15 USE OF VEHICLES OFF ROADS

It is prohibited to operate any vehicle off National Forest System, State or County roads:

- (a) Without a valid license as required by State law. **\$150**
- (b) Without an operable braking system. **\$150**
- (c) From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and tail lights. **\$100**
- (d) In violation of any applicable noise emission standard established by any Federal or State agency. **\$100**
- (e) While under the influence of alcohol or other drug; **\$350**
- (f) Creating excessive or unusual smoke; **\$100**
- (g) Carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property. **\$350**
- (h) In a manner which damages or unreasonably disturbs the land, wildlife, or

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vegetative resources.	\$250
(i) In violation of State law established for vehicles used off roads.	\$150
36 CFR 261.16 DEVELOPED RECREATION SITES	
The following are prohibited:	
(a) Occupying any portion of the site for other than recreation purposes.	\$50
(b) Building, attending, maintaining, or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.	\$150
(c) Cleaning or washing any personal property, fish, animal, or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.	\$50
(d) Discharging or igniting a firecracker, rocket or other firework, or explosive.	\$150
(e) Occupying between 10 p.m. and 6 a.m. a place designated for day use only.	\$50
(f) Failing to remove all camping equipment or personal property when vacating the area or site.	\$50
(g) Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment.	\$50
(h) Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.	\$50
(i) Leaving camping equipment unattended for more than 24 hours without permission.	\$50
(j) Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged, or upon a leash not longer than six feet, or otherwise under physical restrictive control.	\$50
(k) Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.	\$50
(l) Bringing in or possessing a saddle, pack, or draft animal except as authorized by posted instructions.	\$50
(m) Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose.	\$50
(n) Operating a bicycle, motorbike, or motorcycle on a trail unless designated for this use.	\$50
(o) Operating a motorbike, motorcycle, or other motor vehicle for any purpose other than entering or leaving the site.	\$50

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(p) Depositing any body waste except into receptacles provided for this purpose. **\$100**

36 CFR 261.17 ADMISSION, RECREATION USE AND SPECIAL RECREATION PERMIT FEES

Failing to pay any fee established for admission or entrance to or use of a site, facility, equipment or service furnished by the United States is prohibited. The maximum fine shall not exceed \$100.00. **\$50**

36 CFR 261.18 NATIONAL FOREST WILDERNESS

The following are prohibited in a National Forest Wilderness:

(a) Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal law or regulation. **\$200**

(b) Possessing or using a hang glider or bicycle. **\$200**

(c) Landing of aircraft, or dropping or picking up of any material, supplies, or person by land or aircraft including a helicopter. **\$200**

36 CFR 261.22 UNAUTHORIZED USE OF "SMOKEY BEAR" AND "WOODSY OWL" SYMBOL

(a) Manufacture, importation, reproduction or use of "Smokey Bear" except as provided under 36 CFR 271.2, 271.3, or 271.4 is prohibited. **Mandatory Appearance**

(b) Manufacture, importation, reproduction or use of "Woodsy Owl" except as provided under 36 CFR 272.2, 272.3, 272.4 is prohibited. **Mandatory Appearance**

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**SUBPART B – PROHIBITIONS IN AREAS
DESIGNATED BY ORDER OF REGIONAL FORESTER
OR FOREST SUPERVISOR**

36 CFR 261.52 FIRE

When provided by an order, the following are prohibited:

- | | |
|---|--------------|
| (a) Building, maintaining, attending or using a fire, campfire, or stove fire. | \$150 |
| (b) Using an explosive. | \$150 |
| (c) Smoking. | \$100 |
| (d) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. | \$100 |
| (e) Going into or being upon an area. | \$100 |
| (f) Possessing, discharging or using any kind of firework or other pyrotechnic device. | \$150 |
| (g) Entering an area without any firefighting tool prescribed by the order. | \$100 |
| (h) Operating an internal combustion engine. | \$100 |
| (i) Welding, or operating an acetylene or other torch with open flame. | \$100 |
| (j) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and 350(a). | \$100 |
| (k) Violating any state law specified in the order concerning burning, fires, or which is for the purpose of preventing, or restricting the spread of fires. | \$200 |

36 CFR 261.53 SPECIAL CLOSURES

When provided in an order, it is prohibited to go into or be upon any area which is closed for the protection of:

- | | |
|--|--------------|
| (a) Threatened, endangered, rare, unique, or vanishing species of plants, animals, birds fish. | \$200 |
| (b) Special biological communities. | \$200 |

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- | | |
|--|--------------|
| (c) Objects or areas of historical, archaeological, geological, or paleontological interest. | \$200 |
| (d) Scientific experiments or investigations. | \$200 |
| (e) Public health or safety. | \$200 |
| (f) Property. | \$200 |

36 CFR 261.54 NATIONAL FOREST SYSTEM ROADS

When provided by an order, the following are prohibited:

- | | |
|---|--------------|
| (a) Using any type of vehicle prohibited by the order. | \$150 |
| (b) Use by any type of traffic prohibited by the order. | \$150 |
| (c) Using a road for commercial hauling without a permit or written authorization. | \$250 |
| (d) Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified by the order. | \$200 |
| (e) Being on the road. | \$100 |
| (f) Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property. | \$350 |

36 CFR 261.55 FOREST SYSTEM TRAILS

When provided by an order, the following are prohibited:

- | | |
|---|--------------|
| (a) Being on the trail. | \$150 |
| (b) Using any type of vehicle prohibited by the order. | \$150 |
| (c) Use by any type of traffic or mode of transportation prohibited by the order. | \$150 |
| (d) Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order. | \$150 |
| (e) Shortcutting a switchback in a trail. | \$100 |

CFR 261.56 USE OF VEHICLES OFF NATIONAL FOREST SYSTEM ROADS

- | | |
|---|--------------|
| When provided by an order, it is prohibited to possess or use a vehicle off National Forest System roads. | \$150 |
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36 CFR 261.57 NATIONAL FOREST WILDERNESS

When provided by an order, the following are prohibited:

- | | |
|--|-------|
| (a) Entering or being in the area. | \$100 |
| (b) Possessing camping or pack out-fitting equipment, as specified in the order. | \$100 |
| (c) Possessing a firearm or firework. | \$150 |
| (d) Possessing any non-burnable food or beverage containers, including deposit bottles, except for non-burnable containers designed and intended for repeated use. | \$100 |
| (e) Grazing. | \$100 |
| (f) Storing equipment, personal property or supplies. | \$200 |
| (g) Disposing of debris, garbage, or other waste. | \$200 |
| (h) Possessing or using a wagon, cart, or other vehicle. | \$100 |

36 CFR 261.58 OCCUPANCY AND USE

When provided by an order, the following are prohibited:

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|---|-------|
| (a) Camping for a period longer than allowed by the order. | \$100 |
| (b) Entering or using a developed recreation site or portion thereof. | \$75 |
| (c) Entering or remaining in a campground during night periods prescribed in the order except for persons who are occupying such campgrounds. | \$75 |
| (d) Occupying a developed recreation site with prohibited camping equipment prescribed by the order. | \$50 |
| (e) Camping. | \$75 |
| (f) Using a campsite or other area described in the order by more than the number of users allowed by the order. | \$100 |
| (g) Parking or leaving a vehicle in violation of posted instructions. | \$50 |
| (h) Parking or leaving a vehicle outside a parking space assigned to one's own camp unit. | \$50 |
| (i) Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles per camp unit. | \$50 |

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(j) Being publicly nude.	\$100
(k) Entering or being in a body of water.	\$100
(l) Being in the area after sundown or before sunrise.	\$100
(m) Discharging a firearm, air rifle, or gas gun.	\$200
(n) Possessing or operating a motorboat.	\$200
(o) Water skiing.	\$50
(p) Storing or leaving a boat or raft.	\$200
(q) Operating any watercraft in excess of a posted speed limit.	\$100
(r) Launching a boat except at a designated launching ramp.	\$50
(s) Possessing, storing, or transporting any bird, fish, or other animal or parts thereof, as specified in the order.	\$200
(t) Possessing, storing, or transporting any part of a tree or other plant, as specified in the order.	\$200
(u) Being in the area between 10 p.m. and 6 a.m. except a person who is camping or who is visiting a person camping in that area.	\$100
(v) Hunting or fishing.	\$200
(w) Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.	\$200
(x) Using any wheel, roller, or other mechanical device for the overland transportation of any watercraft.	\$100
(y) Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of an aircraft, including a helicopter.	\$250
(z) Entering or being on lands or water within the boundaries of a component of the National Wild and Scenic Rivers System.	\$100
(aa) Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions.	\$50
(bb) Possessing a beverage which is defined as an alcoholic beverage by State Law.	\$200
(cc) Possessing or storing any food or refuse, as specified in the order.	\$100

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(dd) Reserved.

(ee) Depositing any body waste in caves except into receptacles provided for that purpose.

\$200



U.S. Department of Justice

United States Attorney
District of Maine

P.O. Box 9718
Portland, ME 04104-5018

(207) 780-3257
TTY (207) 780-3060
Fax (207) 780-3304

March 27, 2006

William S. Brownell, Clerk
United States District Court
Edward T. Gignoux Federal Courthouse
156 Federal Street
Portland, Maine 04101

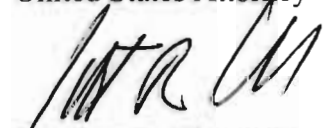
Re: Forfeiture of Collateral, U.S. Department of Agriculture Forest Service

Dear Bill:

I am enclosing a Motion to Adopt Fine Schedule relating to Forest Service violations together with a proposed fine schedule. I understand that you will let me know if the Court has any concerns about any of the proposed fines. Please let me know if you would like an electronic version of the fine schedule.

Very truly yours,

Paula D. Silsby
United States Attorney


Jonathan R. Chapman
Chief, Criminal Division

Enclosures

cc: Paul M. White
U.S. Department of Agriculture

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**U.S. FOREST SERVICE AND NATIONAL FOREST SYSTEM OFFENSES
COLLATERAL FORFEITURE SCHEDULE
FEDERAL RULES OF CRIMINAL PROCEDURE -- RULE 58(d)(1)**

Forfeiture of collateral in lieu of appearance will be in accordance with the following procedures:

- A. A person charged with a misdemeanor as defined in 18 U. S.C. 3581, may, in suitable types of cases, in lieu of appearance, post collateral in the amount indicated for the offense, waive appearance before a United States Magistrate Judge, and consent to the forfeiture of collateral. Pursuant to Local Rule 72 and Title 18 U. S. C. 3401, the United States Magistrate Judge within and for the District of Maine is authorized to accept payment of sums fixed from time to time by order of the court in lieu of appearance, which sums when paid shall terminate the proceeding. The offenses for which collateral may be posted and forfeited in lieu of appearance by the person charged are listed herein. Those offenses for which no amount of collateral is shown require a mandatory appearance before a United States Magistrate Judge.
- B. If the person charged with an offense under Section A of this Appendix fails to post and forfeit collateral, any punishment, including fine, imprisonment or probation, may be imposed within the limits established by law upon conviction or after trial.
- C. If, within the discretion of the law enforcement officer, the offense is of an aggravated nature, the law enforcement officer may require appearance and any punishment, including fine, imprisonment or probation, may be imposed within the limits established by law upon conviction or after trial.
- D. Nothing contained in this Appendix shall prohibit a law enforcement officer from arresting a person for the commission of any offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before a United States Magistrate Judge or, upon arrest, taking him immediately before a United States Magistrate Judge.