§ 71-0921. Misdemeanors.

The following acts are misdemeanors, punishable as herein provided, when they are done in violation of the section or subdivision thereof specified, or if no section is specified, in violation of any section of the Fish and Wildlife Law:

1. (a) The illegal taking of big game prior to the first day of the open season or after the last day of the open season in the county or part thereof where taken, or the taking of big game with aid of an artificial light. Each such misdemeanor for a violation of this paragraph shall be punishable by imprisonment for not more than one year or by a fine of not less than five hundred dollars nor more than three thousand dollars, or by both such imprisonment and fine.

(b) Any illegal taking of a deer, other than a taking described in paragraph (a) of this subdivision, such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not less than two hundred fifty dollars nor more than two thousand dollars, or by both such imprisonment and fine.

2. The illegal taking of a bear less than one year old or the taking of a bear by a means or method not permitted by this chapter. Such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not more than two thousand dollars, or by both such imprisonment and fine. The sale of bear gallbladder/bile in violation of paragraph b of subdivision nine of section 11-0917 of this chapter shall be punishable by a fine of five thousand dollars per violation.

3. Possession, use or discharge of a firearm in violation of subdivision 1, 2, 4, 5, or 6 of section 11-0931 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than three months or by a fine of not less than two hundred dollars nor more than one thousand dollars, or by both such imprisonment and fine.

4. a. Violations of:

(1) subdivision one of section 13-0309 of this chapter involving the taking of shellfish from uncertified shellfish lands, or the possession,

transportation, sale or trafficking in shellfish so taken;

(2) subdivision two of section 13-0309 of this chapter involving the taking of shellfish between sunset and sunrise;

(3) subdivision ten of section 13-0309 of this chapter involving the possession of a stick dredge after one prior conviction under such subdivision for such activity;

(4) subdivision one of section 13-0311 of this chapter involving the taking of shellfish without the required digger's permit;

(5) subdivision seven of section 13-0311 of this chapter involving the taking of shellfish while one's digger's permit is suspended or revoked;

(6) subdivision one of section 13-0315 of this chapter involving the processing, transportation, shipment or sale of shellfish without the required shipper's or processor's permit;

(7) regulations promulgated by the department pursuant to section 13-0319 of this chapter involving the failure to tag or seal shellfish or the falsifying of any information required on any tag or seal required by said regulations;

(8) subdivision five of section 13-0325 of this chapter, regarding the taking of undersized clams, where the taking involves more than twenty-four percentum of clams of less than legal size;

(9) regulations promulgated by the department pursuant to section 13-0327 of this chapter, regarding the taking of undersized scallops, where the taking involves more than twenty-four percentum of scallops of less than legal size; and

(10) section 13-0344 of this chapter involving the dumping of objects into the water after being signaled by a police officer or peace officer to stop for inspection.

b. Each such misdemeanor identified in paragraph a of this subdivision shall be punishable as follows:

(1) For a first conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than sixty days, a fine of not less than two hundred fifty dollars nor more than one thousand dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(2) For a second conviction for any of the violations listed in

paragraph a of this subdivision, by imprisonment for not more than ninety days, a fine of not less than five hundred dollars nor more than twenty-five hundred dollars plus, if applicable, an amount equal to three times the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(3) For a third or subsequent conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than one hundred eighty days, a fine of not less than one thousand dollars nor more than ten thousand dollars plus, if applicable, an amount equal to three times the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(4) Provided, further, that all equipment or conveyances used to harvest, transport or traffic in such illegal shellfish may be forfeited for any third or subsequent conviction of the above violations, in addition to such penalties or imprisonment. Such forfeiture shall be in addition to any forfeiture authorized by section 71-0909 of this article.

5. a. Violations of:

(1) subdivision three of section 13-0309 of this chapter involving the illegal use of dredges, scrapes or other devices operated by power or by boats propelled by motor or other mechanical means for the purpose of taking shellfish;

(2) subdivision eight of section 13-0309 of this chapter involving the operation, use or placing, for whatever purpose, of dredges, rakes, tongs or other devices for the taking of shellfish in uncertified shellfish lands after a prior conviction under such subdivision for such activity;

(3) subdivision nine of section 13-0309 of this chapter involving the altering, damaging, mutilating, moving or carrying away of buoys or markers used to designate the uncertified waters of the state;

(4) subdivision five of section 13-0325 of this chapter regarding the taking of undersized clams, where the taking involves between ten and twenty-four percentum of clams of less than legal size; and

(5) regulations promulgated by the department pursuant to section 13-0327 of this chapter, regarding the taking of undersized scallops, where the taking involves between ten and twenty-four percentum of

scallops of less than legal size.

b. Each such misdemeanor identified in paragraph a of this subdivision shall be punishable as follows:

(1) For a first conviction of any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than thirty days, a fine of not less than two hundred fifty dollars nor more than five hundred dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(2) For a second conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment not to exceed sixty days, a fine of not less than five hundred dollars nor more than one thousand dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

(3) For a third or subsequent conviction for any of the violations listed in paragraph a of this subdivision, by imprisonment for not more than one hundred eighty days, a fine of not less than one thousand dollars nor more than five thousand dollars plus, if applicable, an amount equal to the market value of the shellfish involved in the violation, or by both such imprisonment and fine.

6. Violations of paragraph b of subdivision 3 or subdivision 5 or 12 of section 13-0329 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not less than five hundred dollars nor more than two thousand dollars, or by both such imprisonment and fine.

7. Violations of subdivision 7 or 11 of section 13-0329 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than ninety days or by a fine of not less than five hundred dollars nor more than one thousand dollars, or by both such imprisonment and fine.

8. Making a false statement in applying for a license, privilege or permit under the Fish and Wildlife Law, or for a certificate in lieu of

a lost license or privilege or a duplicate hunting license tag under title 7 of article 11 of this chapter. Each such misdemeanor shall be punishable by imprisonment for not more than three months, or by a fine of not more than two hundred dollars, or by both such imprisonment and fine. In addition, the department may immediately revoke the license, privilege, permit or certificate for which application was made for the remainder of its effective term.

9. Failure to give the department the prompt notification required under subdivision 10 of section 13-0301 of this chapter, when the specified buoys or markers are destroyed. Each such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or by both such imprisonment and fine.

10. Violation of subdivision 10 of section 11-0901 involving the illegal taking of a moose. Each such misdemeanor shall be punishable by imprisonment for not more than one year or by a fine of not more than two thousand dollars, or by both such imprisonment and fine.

10-a. Violations of subdivision fourteen of section 11-0901 of this chapter involving unlawful contests, competitions, tournaments and derbys to take wildlife. Each such violation shall be punishable by a fine of not less than five hundred dollars nor more than two thousand dollars.

11. Any person who violates the provisions of section 11-0537 of this chapter, in the case of a first violation, shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars or by imprisonment not to exceed ninety days, or both; provided that in the case of a second or subsequent violation such person shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed ten thousand dollars or imprisonment not to exceed one year, or both; provided, further, that the commission of each taking or other act prohibited by section 11-0537 of this chapter with respect to a bald or golden eagle shall constitute a separate violation of this

section; provided, further, that one-half of any such fine, but not to exceed two thousand five hundred dollars, shall be paid to the person or persons giving information which leads to conviction.

12. Any violation of section 13-0344 of this chapter is punishable by imprisonment for not more than thirty days, or by a fine of not less than two hundred fifty dollars nor more than one thousand dollars, or by both such fine and imprisonment.

13. Violations of subdivision one or two of section 11-1904 of this chapter. Each such misdemeanor shall be punishable by a fine of not more than two thousand five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment; except that where the person convicted of violating such subdivision has gained money or property through the commission of the violation, in lieu of the two thousand five hundred dollar maximum fine provided for herein, the court may impose a fine in accordance with the provisions of subdivision five of section 80.05 of the penal law.

14. Violation of subparagraph one, two or four of paragraph b of subdivision one of section 11-0719 of this chapter involving the revocation and suspension of hunting, trapping, or fishing licenses. Each such misdemeanor shall be punishable by imprisonment for not more than ninety days, or by a fine of not less than five hundred dollars nor more than one thousand dollars, or by both such imprisonment and fine.