§ 71-0925. Civil penalties.

The penalties referred to in section 71-0919, to which a person is liable upon violation of provisions of the Fish and Wildlife Law or any order, rule or regulation of the department, shall be:

1. Unless another penalty is specifically provided for in this subdivision or elsewhere in the Fish and Wildlife Law, two hundred dollars and an additional penalty of one hundred dollars for each fish, bird or animal or part thereof, other than shellfish or crustacea, involved in the violation; an additional penalty of one hundred dollars for each bushel of shellfish or each crustacean, including lobster, or part thereof, plus an amount equal to the market value or actual price paid, whichever is greater, of the shellfish or crustacea involved in the violation;

2. Except as provided in subdivision 3 or another provision of the Fish and Wildlife Law, if the violation relates to deer, bear, elk, except captive bred and raised North American elk (Cervus elaphus), moose, caribou, antelope, wild turkey, lynx, beaver, or a part thereof, two hundred dollars, and an additional penalty of two hundred dollars for each such animal or part thereof involved in the violation;

3. (a) If the violation involves the illegal taking of a deer prior to the first day of the open season or after the last day of the open season in the county or part of a county in which taken, or the taking of deer with aid of an artificial light, not less than five hundred dollars and not more than one thousand dollars for the first deer taken and a further penalty of not less than five hundred dollars and not more than one thousand dollars for each succeeding deer taken; provided, however, that any person having been held liable for a violation pursuant to this paragraph in the preceding five years shall be subject to a fine of not less than seven hundred fifty dollars and not more than two thousand dollars for the first deer taken and a further penalty of not less than seven hundred fifty dollars and not more than two thousand dollars for each succeeding deer taken;

(b) If the violation involves any illegal taking of a wild deer, other

than a taking described in paragraph (a) of this subdivision, five hundred dollars for the first deer taken and a further penalty of five hundred dollars for each succeeding deer taken;

4. If the violation was an act prohibited by section 11-1321 or by subdivision 2 of section 11-0503, or by subdivision 2 of section 11-0505, or section 13-0345, five hundred dollars, and an additional penalty of ten dollars for each fish taken, killed or possessed in violation thereof;

5. If the violation was any act prohibited by subdivision 1 of section 11-0503, not less than five hundred dollars nor more than one thousand dollars for each offense and an additional penalty of ten dollars for each fish killed in violation thereof;

6. If the violation was a violation of paragraph b of subdivision 4 of section 11-0321, a violation of subdivision 1 of section 11-2113, or a violation of section 11-2115, not less than twenty-five dollars nor more than one hundred dollars; and in addition, as determined by the court, to either actual damages or the sum of ten dollars for each sign injured, defaced or removed in violation of section 11-2113, which shall be payable to the person sustaining the damage, injury, defacement or removal of such sign, and costs of suit, all of which may be recovered in the same action;

7. If the violation was a violation of sections 13-0329, 13-0330, 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation adopted pursuant to the foregoing sections, the greater of two hundred fifty dollars or:

a. for violations involving one to five fish, shellfish or crustaceans, twenty-five dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

b. for violations involving six to twenty-five fish, shellfish or

crustaceans, fifty dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections;

c. for violations involving more than twenty-five fish, shellfish or crustaceans, one hundred dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections.

For purposes of determining the applicable fine pursuant to this subdivision, the number of fish, crustaceans or shellfish shall be the aggregate number involved in the violation, regardless of species;

7-a. If the violation was a violation of subdivision 1 or 2 of section 13-0309, or section 13-0323 or 13-0327, or section 13-0344, not less than two hundred fifty dollars nor more than one thousand dollars for each offense;

7-b. If the violation was a violation of subdivision one or two of section 13-0325 of this chapter there shall be a minimum penalty of twenty-five dollars and a maximum of two hundred fifty dollars per container or bushel involved in the violation.

7-c. If the violation was a violation of subdivision 4 or 5 of section 13-0333, not less than two thousand five hundred dollars nor more than ten thousand dollars for each offense;

8. If a violation of subdivisions 1 or 2 of section 13-0309 occurs during the time when a permit or license to take shellfish has been suspended or revoked pursuant to the provisions of subdivision 3 of section 13-0311 or subparagraph (3) of paragraph b of subdivision 1 of section 11-0719, not less than five hundred dollars nor more than fifteen hundred dollars for each offense, and in addition the forfeiture to the state of the tongs, rakes, dredges or devices other than boats used by or in connection with such illegal taking;

9. If the violation was a failure by any public officer to perform any duty imposed by the Fish and Wildlife Law or by any rule or regulation of the department, one hundred dollars;

10. If the violation was an act prohibited by section 11-2117, one hundred dollars, one-half of which shall be payable to the owner or occupant of the damaged property, in addition to the actual damages, if any, recoverable by the person sustaining the damage;

11. If the violation involved the illegal taking or possessing of muskrats taken from a registered muskrat marsh covered by a permit under section 11-1109, when the violation is committed by the registrant holding the permit or other person designated in writing to trap on the marsh of such registrant, while the permit is in force, not less than one hundred dollars nor more than five hundred dollars;

12. If the violation was a violation of section 11-1731; relating to bird plumage for fish-fly tying, five hundred dollars.

13. If the violation was an act prohibited by subdivision two of section 11-0535 or by section 11-0536 of this chapter, or by any lawful rule or regulation of the department promulgated pursuant thereto, not more than four thousand dollars, and an additional penalty of not more than seven hundred dollars for each fish, shellfish, crustacea, wildlife or part thereof involved in the violation. If the violation was an act prohibited by any regulation of the department promulgated pursuant to subdivision three of section 11-0535 of this chapter, then such penalty shall be not more than two thousand dollars, and an additional penalty of not more than four hundred dollars for each fish, shellfish, crustacea, wildlife or part thereof involved in the violation.

14. If the violation was a violation of subdivision ten of section 11-0901 involving the illegal taking of a moose, two thousand dollars.

15. If the violation was a first or second violation of section 11-0514 of this chapter, a fine of up to five hundred dollars for each animal for each act of importation, possession, introduction, sale, offer for sale, distribution, transportation or otherwise marketing or trading. For a third or subsequent separate violation of section 11-0514 of this chapter, the greater of a. a fine of one thousand

dollars for each animal for each act of importation, breeding, possession, introduction, sale, offer for sale, distribution, transportation or otherwise marketing or trading or b. an amount equal to three times (1) the financial security provided by customers for the opportunity to take the animal or (2) the value of a boar for meat production or as breeding stock.

16. If the violation was an act prohibited by section 11-0535-a of this chapter, not more than three thousand dollars or not more than two times the value of the article involved, whichever is greater. If the violation is a second or subsequent violation of such section 11-0535-a, not more than six thousand dollars or not more than three times the value of the article involved, whichever is greater.

17. If the violation was an act prohibited by section 11-0535-b of this chapter, not more than one thousand dollars or not more than two times the value of the article involved, whichever is greater. If the violation is a second or subsequent violation of such section 11-0535-b, not more than two thousand dollars or not more than three times the value of the article involved, whichever is greater.