

RULES FOR UNITED STATES MAGISTRATE JUDGES

IN THE

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASSACHUSETTS



Including Amendments Through
September 7, 2011

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I. TITLE AND EFFECT

These Rules shall be known as the Rules for United States Magistrates Judges in the United States District Court for the District of Massachusetts.

Proceedings in cases or other matters before the court on the effective date of these Rules will be governed by these Rules unless, in a particular case, the court determines that application of the Rules in that case would be impracticable or unjust.

II. AUTHORITY OF UNITED STATES MAGISTRATE JUDGES

Rule 1 DUTIES UNDER 28 U.S.C. SECTION 636(a)

Each United States Magistrate Judge appointed by this court is authorized to perform the duties prescribed by 28 U.S.C. Section 636(a) as hereinafter specified and may –

(a) Exercise all the powers and duties conferred or imposed upon United States Commissioners by law or the Federal Rules of Criminal Procedure;

(b) Administer oaths and affirmations, impose conditions of release or detention under 18 U.S.C. Section 3142 *et seq.*, and take acknowledgments, affidavits, and depositions;

(c) When specially designated to exercise such jurisdiction by the district court, try persons accused of, and sentence persons convicted of, misdemeanors (including petty offenses) committed within this district in accordance with 18 U.S.C. Section 3401, Fed. R. Crim P. 58, and Rules 10 through 12 of these Rules, conduct a jury trial in any misdemeanor case (including petty offenses) where the defendant so requests and is entitled to trial by jury under the Constitution and laws of the United States, order a presentence investigative report on any such person who is convicted or pleads guilty or *nolo contendere*, and sentence such person;

(d) Conduct removal proceedings and issue warrants of removal in accordance with Fed. R. Crim. P. 40;

(e) Conduct extradition proceedings, in accordance with 18 U.S.C. Section 3184; and

(f) Supervise proceedings conducted pursuant to letters rogatory, in accordance with 28 U.S.C. Section 1782.

Rule 2 NON-DISPOSITIVE PRE-TRIAL MATTERS

(a) A magistrate judge may hear and determine any pretrial motion or other pretrial matter, in accordance with 28 U.S.C. Section 636(b)(1)(A), other than those motions specified in Rule 3 of these Rules.

(b) A party may not assign as error any aspect of the magistrate judge's order made under subsection (a) hereof, unless a timely objection is made. A party must serve and file any objections to the magistrate judge's order within 14 days of being served with a copy of that order unless a different time is prescribed by the magistrate judge or a district judge. The district judge to whom the case is assigned will consider such objections and will modify or set aside any portion of the magistrate judge's order determined to be clearly erroneous or contrary to law.

(c) The ruling or order of a magistrate judge in a matter that is heard and determined under subsection (a) hereof is the ruling of the Court and is final unless reversed, vacated or modified by a district judge as provided in Fed. R. Civ. P. 72(a) and Fed. R. Crim. P. 59(a). The filing of objections under subsection (b) hereof does not operate as a stay of a magistrate judge's ruling or order unless so ordered by the magistrate judge or a district judge, and then only to the extent specifically ordered by the magistrate judge or district judge. Any party desiring a stay of a magistrate judge's ruling or order, or any part thereof, pending ruling on objections filed under subsection (b) hereof, must first apply therefor to the magistrate judge from whose ruling the objection is taken. If the magistrate judge denies a stay, written application therefor may then be made to the district judge to whom the case is assigned. Any application to the district judge for a stay must have appended to it the certificate of counsel that application for

the stay sought has been made to the magistrate judge and denied by the magistrate judge, together with a copy of the magistrate judge's denial.

Effective January 8, 2002; amended effective December 1, 2009

Rule 3 DISPOSITIVE PRE-TRIAL MOTIONS AND PRISONER CASES

(a) In accordance with 28 U.S.C. Section 636(b)(1)(B) and (C), a magistrate judge upon a specific referral by the district judge assigned to the case may conduct such evidentiary hearings as are necessary or appropriate, and submit to a district judge proposed findings of fact and recommendations for the disposition of:

- (1) applications for post-trial relief made by individuals convicted of criminal offenses;
- (2) prisoner petitions challenging conditions of confinement;
- (3) motions for injunctive relief (including preliminary injunctions but excluding motions for temporary restraining orders);
- (4) motions for judgment on the pleadings;
- (5) motions for summary judgment;
- (6) motions to dismiss or quash an indictment or information made by a defendant;
- (7) motions to suppress evidence in a criminal case;
- (8) motions to dismiss or permit the maintenance of a class action;
- (9) motions to dismiss for failure to state a claim upon which relief may be granted;

- (10) motions to dismiss an action involuntarily;
- (11) motions for judicial review of administrative determinations;
- (12) motions for review of default judgments;
- (13) motions to dismiss or for judgment by default under Fed. R. Civ. P. 37(b);
- (14) motions to revoke or modify probation or supervised release under the provisions of Fed. R. Crim. P. 32.1(b), in cases not within the consent jurisdiction of a magistrate judge; and
- (15) Such other pretrial matters as are dispositive of a claim or a defense.

(b) In all reports and recommendations filed under the provisions of subsection (a) hereof, the magistrate judge must incorporate therein clear notice to the parties that failure to file timely and appropriate objections to that report and recommendation under the provisions of this Rule will result in preclusion of the right to appeal the district court's order to the United States Court of Appeals. That notice may consist of the following language –

The parties are hereby advised that under the provisions of Fed. R. Civ. P. 72(b) or Fed. R. Crim. P. 59(b), any party who objects to these proposed findings and recommendations must file specific written objections thereto with the Clerk of this Court within 14 days of the party's receipt of this Report and Recommendation. The written objections must specifically identify the portion of the proposed findings, recommendations, or report to which objection is made and the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply

with Fed. R. Civ. P. 72(b), will preclude further appellate review of the District Court's order based on this Report and Recommendation. *See Keating v. Secretary of Health and Human Services*, 848 F.2d 271 (1st Cir. 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980); *United States v. Vega*, 678 F.2d 376, 378-379 (1st Cir. 1982); *Scott v. Schweiker*, 702 F.2d 13, 14 (1st Cir. 1983); *see also, Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466 (1985).

The notice will be effective if stated in other language that clearly communicates the effect of failure to comply with the provisions of Fed. R. Civ. P. 72(b), as set forth by the United States Court of Appeals for this Circuit in *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986).

(c) Within 14 days of being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations. The written objections must specifically identify the portions of the proposed findings and recommendations or report to which objection is made and the basis for each objection. A party may respond to another party's objections within 14 days after being served with a copy thereof.

The district judge to whom the case is assigned must make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's recommended disposition to which specific written objection has been made in accordance with this Rule. The district judge, however, need not conduct a new hearing and may consider the record developed before the magistrate judge, making a determination on the basis of that record. The district

judge may accept, reject or modify the recommended disposition, receive further evidence or recommit the matter to the magistrate judge with instructions.

(d) A magistrate judge may exercise the powers enumerated in Rules 2, 3, 6 and 7 of the Rules Governing Section 2254 and 2255 Proceedings, in accordance with the standards and criteria established in 28 U.S.C. Section 636(b)(1), and may recommend to the district judge appropriate orders under Rules 4, 5, 8 and 9 of the Rules Governing Section 2254 and 2255 Proceedings.

Effective January 8, 2002; amended effective December 1, 2009.

Rule 4 SPECIAL MASTER REFERENCES AND TRIALS BY CONSENT

(a) A magistrate judge may serve as a special master subject to the procedures and limitations of 28 U.S.C. Section 636(b)(2) and Fed. R. Civ. P. 53. Unless the district judge orders that a transcript of the proceedings not be filed, any order of reference under this subsection or under Section 4(b) of these Rules must include a directive that the parties, in such proportionate share as the district judge determines to be appropriate, will bear the expense of preparing the transcript required to be filed under Fed. R. Civ. P. 53(e).

(b) With the consent of the parties and the approval of the district judge to whom the case has been assigned, a magistrate judge may serve as special master in any civil case without regard to the provisions of Fed. R. Civ. P. 53(b). The entry of final judgment under this subsection, however, must be ordered by a district judge of the court, or at the direction of a district judge.

(c) Notwithstanding any provision of law to the contrary—

(1) Upon the consent of the parties (including added parties), a magistrate judge, when specially designated to exercise such jurisdiction by the district court, may conduct any and all proceedings in a jury or non-jury civil case and order judgment in the case. A record of the proceedings must be made in accordance with the requirements of 28 U.S.C. § 636(c)(5).

(2) The Clerk of the Court will notify the parties in all civil cases that they may consent to have a magistrate judge conduct any or all proceedings in the case and order the entry of the final judgment. Such notice will be handed or mailed to the plaintiff or plaintiff's representative at the time an action is filed and to the other parties as attachments to copies of the complaint and summons, when served. Additional notices

may be furnished to the parties at later stages of the proceedings, and may be included with pretrial notices. If new parties are added after the initial filing, the plaintiff is responsible for obtaining an executed consent form from the new parties.

(3) The Clerk must not accept a consent form unless it has been signed by all the parties in a case. The plaintiff is responsible for obtaining the executed consent form from the parties and filing the form with the Clerk of the Court within 21 days of the filing of an answer or other responsive pleading by the parties, unless the time is enlarged by order of the court. Thereafter, either a district judge or a magistrate judge may again advise the parties of the availability of trial by consent before a magistrate judge, but in so doing, must also advise the parties that they are free to withhold consent without adverse substantive consequences.

(4) Upon entry of judgment of any case reassigned under paragraph (1) of subsection (c) of this Rule, an aggrieved party may appeal directly to the United States Court of Appeals for the First Circuit from the judgment of the magistrate judge in the same manner as if appealing from any other judgment of a district court. Nothing in this paragraph is to be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

(5) The district court may, for good cause, on its own initiative or under extraordinary circumstances shown by any party, vacate a referral of a civil matter to a magistrate judge under this subsection.

Effective January 8, 2002; amended effective December 1, 2009.

Rule 5 OTHER DUTIES

A magistrate judge is also authorized to –

(a) Conduct pretrial conferences, settlement conferences, alternative dispute resolution procedures, and related pretrial proceedings;

(b) Conduct arraignments in cases not triable by the magistrate judge to the extent of taking a not guilty plea or noting a defendant's intention to plead guilty or nolo contendere; and order the preparation of a presentence report when the defendant has expressed a firm intention of entering a plea of guilty and requests that the report be promptly prepared;

(c) Receive grand jury returns in accordance with Fed. R. Crim. P. 6(f);

(d) Conduct a preliminary hearing, if a hearing is required, before revocation of probation or supervised release by a district judge; and may conduct necessary proceedings leading to potential revocation of probation or supervised release imposed by a magistrate judge;

(e) Issue subpoenas, writs of habeas corpus *ad testificandum* or habeas corpus *ad prosequendum*, or other orders necessary to obtain the presence of parties or witnesses or evidence needed for court proceedings;

(f) Order the exoneration or forfeiture of bonds;

(g) Conduct examinations of judgment debtors, in accordance with Fed. R. Civ. P. 69;

(h) Conduct evidentiary hearings and prepare findings in employment discrimination cases as a master under Title VII of the Civil Rights Act of 1964, as amended, whenever a district judge cannot schedule a case for trial within 120 days after issue has been joined (42 U.S.C. Section 2000e(5)(f)(5));

(i) Administer oath of allegiance to new citizens at naturalization hearings and administer oath of admission to attorneys at admission ceremony;

(j) Conduct evidentiary hearings and prepare recommended findings in civil rights cases brought by prisoners in penal institutions;

(k) Accept petit jury verdicts in civil cases in the absence of a district judge with the consent of the parties;

(l) Conduct proceedings consistent with the provisions of Fed. R. Civ. P. 16(b);

(m) Accept a waiver of indictment pursuant to Fed. R. Crim. P. 7(b); and

(n) Perform any additional duty not inconsistent with the Constitution and laws of the United States.

The enumeration of specific duties in this section is not to be construed as limiting the referral of any other matter otherwise not inconsistent with the Constitution and laws of the United States.

III. ASSIGNMENT OF DUTIES TO MAGISTRATE JUDGES

Rule 6 GENERALLY

(a) Assignment By Division

(1) Eastern Division

Except as set forth in Rule 8 of these Rules, the Clerk or deputy clerk must assign cases referred in the Eastern Division to the magistrate judges sitting in Boston by lot in such a manner that each magistrate judge is assigned as nearly as possible the same number of cases, except that when a magistrate judge has already ruled on a matter in a particular case, a subsequent referral in that case must be assigned to the same magistrate judge.

(2) Central Division

The Clerk or deputy clerk must assign cases referred in the Central Division to the magistrate judge sitting in Worcester.

(3) Western Division

The Clerk or deputy clerk must assign cases referred in the Western Division to the magistrate judge sitting in Springfield.

(b) The Clerk must maintain a list of all cases assigned to the magistrate judges.

(c) Each magistrate judge will place assigned cases on a calendar as required by law and in such manner as is most consistent with the just, efficient performance of the business of the court.

(d) The Clerk must designate each referral to a magistrate judge as falling within one of the following categories:

- (1) Civil Rule 16(b)/Pretrial Proceedings
- (2) Civil and MBD Discovery
- (3) Service as a Special Master
- (4) Civil Dispositive Motions
- (5) Miscellaneous
- (6) Criminal Dispositive Motions
- (7) Criminal Pretrial or Discovery
- (8) Criminal Ex Parte Motions
- (9) Post-conviction proceedings

(e) The Clerk must maintain a daily schedule that shows the regular place of business of a magistrate judge during the hours of each business day, and the place where business may be brought to the attention of a magistrate judge at all other times.

(f) It is the continuing duty of each magistrate judge to give the Clerk the information required to maintain the schedule identified in paragraph (e) above.

(g) Every order and decision of a magistrate judge must be entered on the docket of the case in the same manner as orders and decisions of the district judge.

(h) No *ex parte* motion or *ex parte* matter in a criminal or civil case will be assigned to a magistrate judge except upon a separate Order of Reference specifically referring the *ex parte* motion or *ex parte* matter to a magistrate judge for disposition.

Rule 7 CRIMINAL CASES

(a) Method of Assignment

(1) For purposes of assignment of criminal cases to magistrate judges for proceedings consistent with the provisions of Rule 2 of these Rules, all criminal cases are divided into the following categories based upon the category for assignment of the case to the district judge on the JS-45 form:

Category A - Felony cases in which eight (8) or more defendants are named.

Category B - Felony cases in which seven (7) or fewer defendants are named.

Category C - All misdemeanor and petty offense cases; cases involving waivers of indictment; and all matters involving alleged violations of conditions of release by persons transferred to this District for supervision.

(2) Upon the return of an indictment , all criminal cases charging a felony or felonies are automatically assigned by the clerk of the court to a magistrate judge for the conduct of an arraignment and the appointment of counsel to the extent authorized by law, unless the district judge assigned to the case orders otherwise. Upon such referral, the magistrate judge must also conduct such scheduling and status conferences as are necessary and must hear and determine all pretrial procedural and discovery motions, in accordance with Rule 2. Unless such an assignment is made under the provisions of subsection (a)(3) hereof, the Clerk must place a case in one of the categories described in subsection (a)(1) above, and must assign it by lot among the magistrate judges in such manner that each magistrate judge is assigned as nearly as possible the same number of cases in each category, taking into account assignments made under this subsection as well as subsection (a)(3) hereof .

(3) Upon referral by specific order of the district judge to whom the case has been assigned, the magistrate judge may hear motions to suppress evidence and motions to dismiss or quash an indictment or information made by the defendant and must submit a report and recommended disposition of such a motion to the district judge, in accordance with Rule 3 of these Rules. In conducting such proceedings, the magistrate judge must conform to the general procedural Rules of this court and the instructions of the district judge to whom a case is assigned.

(4) For purposes of referral under paragraphs (a)(1) and (a)(2) of this Rule, if a magistrate judge has conducted previous proceedings in connection with the case, including, but not limited to, the receipt of a complaint under Fed. R. Crim. P. 3, or the issuance of a search warrant pursuant to Fed. R. Crim. P. 41, except in the situation described in the second paragraph of Rule 15(d)(1) of these Rules, the United States Attorney must, in a form accompanying the indictment or information, notify the Clerk as to the identity of the magistrate judge conducting such previous proceedings. The Clerk must thereupon refer the matter to the magistrate judge who conducted the previous proceedings. For purposes of this subsection, previous proceedings do not include the approval of applications for pen registers or traps and traces. In all other cases, the referral must be consistent with the provisions set forth in Rule 6(a) of these Rules.

(b) Misdemeanor Cases

(1) Initiating Document. A misdemeanor (other than a petty offense) may be prosecuted by indictment, information, or complaint. A petty offense may be prosecuted by an indictment, information, complaint, citation or violation notice.

(2) An indictment or information charging a misdemeanor other than a petty offense must be filed with the Clerk of the Court, who shall assign the case a docket number, without assigning the case to a district judge until such time as the defendant elects to be tried before a district judge of the district court pursuant to 18 U.S.C. Section 3401(b), or until such time as the case is ordered retained or transferred to a district judge pursuant to the provisions of Fed. R. Crim. P. 58(b)(3)(B).

(3) Upon assigning the case a docket number, the Clerk must thereupon refer the case to the district judge then assigned to the miscellaneous business docket who must, within 48 hours of the referral, review the case and order that the case be continued before the district court, or referred to a magistrate judge.

(4) If the district judge then assigned to the miscellaneous business docket determines that the case is to be retained by the district court, then the Clerk must assign the case to a district judge in accordance with Rule 40.1(B) of the Local Rules of this court and then may be referred to a magistrate judge under the provisions of subsection (a) hereof concerning method of assignment.

(5) If the district judge then assigned to the miscellaneous business docket determines that the case is to be referred to a magistrate judge, then the Clerk must refer the case to a magistrate judge in the same manner as in felony cases under the provisions of subsection (a) above.

(6) Upon receipt of the case, the magistrate judge must proceed under the provisions of Rules 10 through 12 of these Rules.

(7) In the event that the attorney for the government, because of the novelty, importance, or complexity of the case, or other pertinent factors, seeks an order of the district

court prohibiting referral of a misdemeanor case pursuant to the provisions of paragraph (5) of this subsection, a petition for such relief, filed in accordance with regulations promulgated by the Attorney General, must be filed at the same time the initiating document is filed with the Clerk.

Rule 8 CIVIL CASES

(a) Method of Assignment

(1) Eastern Division

(A) Cases filed After January 1, 2003. Civil cases filed on or after January 1, 2003 shall be randomly assigned to both a district judge and a magistrate judge. The manner of referral to the magistrate judge of specific matters in a case shall be in accordance with the provisions of Rule 8(b) below.

(B) Cases Filed Before January 1, 2003. Effective January 1, 1993 until December 31, 2002 each Eastern Division magistrate judge was paired with two or more district judges for purposes of referral of matters and proceedings in civil cases, with pairing rotating every two years. The pairings in effect on December 31, 2002 shall continue to apply to cases filed before January 1, 2003 except where there has been a prior ruling by a magistrate judge as described in section 1(C) below.

In the event that one or more district judges were not paired, cases referred by those district judges were and will continue to be randomly drawn.

(C) Effect of Prior Ruling. When a magistrate judge has already ruled on a matter in a particular case, a subsequent referral in that case is assigned to the same magistrate judge.

(D) Effect of Recusal. In the event that a magistrate judge is recused on a particular matter referred under the provisions of these Rules, the case must be returned to the Clerk to be redrawn to another magistrate judge on a random basis.

(2) Central and Western Divisions

All civil and miscellaneous cases as described above are referred in the Central and Western Division to the magistrate judge sitting respectively in Worcester and Springfield.

(b) Manner of Referral

(1) The following civil matters may be automatically referred to the magistrate judges by the Clerk, if and when timely opposition is filed or the time for opposition has expired, for hearing and decision by a magistrate judge in accordance with Rule 2, unless the district judge orders otherwise in a particular case:

(A) Motions for enlargement of time to file pleadings or complete discovery, except when the time for the completion of discovery has been established after a pretrial conference by order of the district judge;

(B) Motions for more definite statement;

(C) All motions for discovery and for enforcement of discovery orders under Fed. R. Civ. P. 26 through 37, except motions to dismiss or for a judgment by default under Rule 37, and motions for proceedings under Fed. R. Civ. P. 26(f).

(2) The following civil matters may be referred to the magistrate judges by the Clerk for hearing and determination by a magistrate judge as soon as they are filed and docketed, whether opposed or not, in accordance with Rule 2 of these Rules:

(A) Applications to proceed *in forma pauperis* filed under the provisions of 28 U.S.C. Section 1915 that are not referred to the Pro Se Staff Attorney;

(B) Motions for appointment of counsel in civil cases that are not referred to the Pro Se Staff Attorney;

(C) Supplementary proceedings to enforce a money judgment under Fed. R. Civ. P. 69.

(3) Unopposed non-dispositive motions as defined in 28 U.S.C. Section 636(b)(1)(A) may be decided on the merits by the magistrate judge if referred to the magistrate judge by the Clerk.

(4) All other civil matters may be referred to the magistrate judges only by order of a district judge. The order must specify the matters to be considered and the action to be taken by the magistrate judge.

Effective January 8, 2002; amended effective July 8, 2003.

Rule 9 EMERGENCY REVIEW

The miscellaneous business judge may review matters that arise in the administration of the duties of the magistrate judges under these Rules only to the extent necessary to meet an "emergency" as defined by Rule 40.4 of the Local Rules of this court. Unless manifest prejudice to a party will result, the matter will be continued for disposition by the district judge to whom the case is assigned.

IV. TRIAL OF MISDEMEANORS

Rule 10 SCOPE

Magistrate Judges in the District of Massachusetts shall have all powers granted to magistrate judges by the provisions of 18 U.S.C. Section 3401 and proceedings conducted pursuant to those powers must be exercised in conformity with Fed. R. Crim. P. 58.

Rule 11 PRETRIAL PROCEDURES FOR CLASS A MISDEMEANORS

(a) Consent and Arraignment. If the defendant consents, either in writing or orally on the record, to be tried before the magistrate judge and the consent specifically waives trial before a district judge, the magistrate judge will take the defendant's plea to the Class A misdemeanor charge. The defendant may plead not guilty, guilty, or, with the consent of the magistrate judge, nolo contendere. If the defendant pleads not guilty, the magistrate judge must either conduct the trial within 30 days upon written consent of the defendant or fix a time for trial, giving due regard to the needs of the parties to consult with counsel and prepare for trial.

(b) Failure to Consent. If the defendant does not, within fourteen days of arraignment (or other reasonable time set by the magistrate judge), indicate an intention to waive the right to a trial before a district judge, then the case must be tried by a district judge unless the defendant shows good cause why the case should be sent back to the magistrate judge for trial. In the event that the defendant does not, in the form and manner prescribed by the magistrate judge at the time of defendant's initial appearance before the magistrate judge, file an intention to waive the right to a trial before a district judge within fourteen days of the arraignment (or other such reasonable time prescribed by the magistrate judge), the case must be returned immediately to the Clerk to be randomly drawn to a district judge. The magistrate judge must explain the terms of this subsection to the defendant at the time of arraignment.

Effective January 8, 2002; amended effective December 1, 2009.

Rule 12 RECORD OF PROCEEDINGS

Proceedings under Rules 10 through 11 must be taken down by a court reporter or recorded by suitable sound recording equipment. In the discretion of the magistrate judge or, in the case of a misdemeanor other than a petty offense, on timely request of either party made not later than fourteen days before the scheduled trial, the proceedings must be taken down by a court reporter. With the consent of the defendant, the keeping of a verbatim record may be waived in petty offense cases.

Effective January 8, 2002; amended effective December 1, 2009.

Rule 13 REVOCATION PROCEEDINGS

In any case in which the government seeks revocation or modification of probation or supervised release, consistent with the provisions of Fed. R. Crim. P. 32.1(b), after a defendant has been sentenced by a magistrate judge consistent with these Rules, that application must be determined by the magistrate judge who imposed the sentence; and, in the case of the unavailability of that magistrate judge, by another magistrate judge designated by the Chief Magistrate Judge.

Rule 14 FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE

(a) Forfeiture of Collateral – Generally. A person who is charged with a petty offense may, in lieu of appearance, post collateral in the amount indicated for the offense, waive appearance before a magistrate judge, and consent to forfeiture of collateral, unless either the charging document makes appearance mandatory or the offense charged is not posted on the Forfeiture of Collateral Schedule approved by the Court.

(b) Forfeiture of Collateral Schedule. The offenses for which collateral may be posted and forfeited in lieu of appearance by the person charged, together with the amounts of collateral to be posted, are set forth in APPENDIX A SCHEDULE OF FINES

(c) Excluded Offenses. Under no circumstances may a person charged with operating a motor vehicle under the influence of alcohol or controlled substances in violation of any federal regulation or Massachusetts General Laws ch. 90, Section 24, or other governing statutes, be permitted to post collateral, waive appearance before a magistrate judge, and consent to forfeiture of collateral.

(d) Maximum Penalties in Lieu of Forfeiture of Collateral. If a person charged with an offense under subsection (a) hereof fails to post and forfeit collateral, a punishment, including fine, imprisonment or probation, may be imposed within the limits established by law upon conviction by plea or after trial.

(e) Failure to Appear. If a person charged with an offense under subsection (a) hereof fails to post and forfeit collateral, and then fails to appear for a duly scheduled hearing on the offense charged, and a showing is made consistent with the provisions of Fed. R. Crim. P. 58(d)(3), then the magistrate judge may issue a warrant of arrest for that person. Upon receipt of the warrant of arrest, the United States Marshal for this District may, in lieu of execution

thereof, give written notice to the person that a warrant of arrest has issued for his or her arrest, and must state in the notice that the warrant of arrest will not be executed if, within seven (7) days of the notice, (1) the person voluntarily presents himself or herself before the magistrate judge during usual business hours for the purpose of scheduling a hearing on the petty offense; or (2) the person remits as collateral to be posted and forfeited an amount twice that authorized for the violations as set forth in subsection (b) hereof, or the maximum allowable by the applicable statute, whichever is smaller. In the event that the person properly appears before the magistrate judge, or properly remits and forfeits the collateral, as hereabove set forth, then the magistrate judge must vacate the warrant of arrest; if the person fails to appear or remit as stated above, the United States Marshal must execute the warrant of arrest consistently with applicable law.

(f) Amendments to Forfeiture of Collateral Schedules. A federal agency authorized to issue violation notices for violations within its jurisdiction may petition the United States District Court for the District of Massachusetts for an order authorizing a schedule for forfeiture of collateral or amendments to such schedules under subsection (a) hereof . Such petitions seeking such schedules or amendments thereto must be initiated in the following manner:

(1) Submission of Proposed Schedule. The federal agency must first submit the schedule, or proposed amendments to the schedule, to the United States Attorney for the District of Massachusetts for such consideration as the United States Attorney deems appropriate. Upon approval by the United States Attorney or the authorized designee of the United States Attorney, that schedule, or amendments thereto, must be forwarded to the Chief Magistrate Judge for consideration and approval by the magistrate judges. When and if approved by the magistrate judges, the Chief Magistrate Judge must transmit

the schedule, and amendments to it, to the district judges for approval of an order authorizing that schedule or amendments thereto.

(2) New Federal Agencies. If a federal agency that is not currently authorized by the orders of this court to participate in the forfeiture of collateral provisions seeks authorization for adoption of a schedule, that federal agency is responsible for initiating contact and making arrangements with the Central Violations Bureau in San Antonio, Texas.

That federal agency shall also be responsible for obtaining all necessary authorizations from the United States Attorney for this District designating one or more persons within that agency to prosecute matters before magistrate judges in the District of Massachusetts.

(3) Authority to Prosecute. In no event will a federal agency be permitted to prosecute a Central Violations Bureau matter before a magistrate judge unless the prosecution is by a member of that agency specifically authorized to do so by the United States Attorney for the District of Massachusetts.

(4) Agency Preparation of Forfeiture of Collateral Schedules. In all instances in which a federal agency seeks authorization of a schedule of forfeiture of collateral, or amendments thereto, that agency is responsible for preparation of that schedule in the format prescribed by the Clerk of this Court. In addition to the submission of a hard copy of that proposed schedule or amendments thereto, the federal agency is responsible for the submission to the Clerk of this Court of that schedule, or amendments to it, on electronic media in the manner prescribed by the Clerk of this Court.

V. MISCELLANEOUS

Rule 15 EMERGENCY MAGISTRATE JUDGE

(a) Generally. One of the magistrate judges is designated as the emergency magistrate judge at Boston for each month of the calendar year. The magistrate judge designated as emergency magistrate judge at Boston during a particular month is the emergency magistrate judge for all emergency matters arising during that month within the territorial jurisdiction of the Eastern Division. The magistrate judge sitting in Worcester is the emergency magistrate judge for all emergency matters within the territorial jurisdiction of the Central Division. The magistrate judge sitting in Springfield is the emergency magistrate judge for all emergency matters within the territorial jurisdiction of the Western Division.

It is the duty of the Chief Magistrate Judge to advise the Clerk of the Court as to which magistrate judge has been designated as the emergency magistrate judge in Boston for any given month of the calendar year.

(b) Original Proceedings. All new original matters within the territorial jurisdiction of the magistrate judges involving the filing of criminal complaints, issuance of warrants of arrest and search warrants, seizure warrants, warrants to permit inspections of worksites sought by or on behalf of OSHA, warrants to inspect sites under CERCLA, presentations for bail or detention, conduct of preliminary examinations pursuant to Fed. R. Crim. P. 5.1, removal proceedings under Fed. R. Crim. P. 40, grand jury returns under Fed. R. Crim. P. 6(f), appointment of counsel in criminal cases in connection with original matters, applications for pen registers, traps and traces, electronic tracking devices, and other matters within the original jurisdiction of magistrate judges, must be filed with the magistrate judge then designated as the emergency magistrate judge.

(c) Referred Proceedings. The following matters not within the original jurisdiction of magistrate judges, or within the concurrent jurisdiction of district judges and magistrate judges, unless otherwise directed by the district judge, must be automatically referred to the emergency magistrate judge:

(1) Applications to proceed *in forma pauperis* filed under the provisions of 28 U.S.C. section 1915 not otherwise referred to the Pro Se Staff Attorney;

(2) Applications for writs of entry filed by or on behalf of the Internal Revenue Service (*see* subsection (d)(2), *infra*);

(3) Motions for appointment of counsel filed in connection with grand jury proceedings;

(4) Applications for tax returns and tax returns information filed under the provisions of 26 U.S.C. section 6103(i)(1)(B)(*see* subsection (d)(2), *infra*);

(5) Any other civil motion that the trial judge (or, in the absence of the trial judge, the district judge assigned to the miscellaneous business docket) determines should be resolved before the time that the magistrate judge previously assigned to the case, or in the absence of such previous assignment, the magistrate judge who would normally be assigned the case, could otherwise hear the motion.

(d) Related Procedures

(1) Previous Proceedings. If, on a previous occasion, an emergency magistrate judge has received a criminal complaint or has issued a search warrant under the provisions of Fed. R. Crim. P. 41, in connection with an ongoing investigation, subsequent applications for warrants or arrest, search warrants, or other matters within the original jurisdiction of a magistrate judge, must be made to the magistrate judge who had conducted previous proceedings in the case,

unless the new application or matter is not directly related to the previous investigation. If, as a result of that continuing investigation, an indictment is returned, or an information is filed, the attorney for the government must, before the return of the indictment or the filing of the information, record the docket or case number(s) of those prior proceedings before the magistrate judge on the required Form JS 45.

If the United States Attorney seeks the issuance of a search warrant on the day an indictment is returned in Boston in a case in which no previous proceedings before a magistrate judge have occurred, the United States Attorney must present the application for a search warrant to the magistrate judge to whom the indictment is drawn after the indictment is returned. If the presentation of the application for the search warrant cannot be delayed until the indictment is returned and the indictment is drawn to a magistrate judge, the United States Attorney may present the application for the search warrant to the emergency magistrate judge for issuance. In that instance, the issuance of the search warrant is not treated as a previous proceeding so as to cause the case to be drawn to that magistrate judge when the indictment is returned.

(2) Applications for Writs of Entry and Tax Information. Applications for writs of entry filed by or on behalf of the Internal Revenue Service referred to in subsection (c)(2) hereof , motions for appointment of counsel filed in connection with grand jury proceedings referred to in subsection (c)(3) hereof, and applications for returns and returns information filed under the provisions of 26 U.S.C. Section 6103(i)(1)(B) referred to in subsection (c)(4) hereof , must first be filed with the Clerk of the Court to be docketed on the miscellaneous business docket of the court. All such matters must then be referred, unless otherwise directed by the district judge then serving as the miscellaneous business judge, to the magistrate judge who was

designated as the emergency magistrate judge at the time of the filing of the application or motion.

(3) Pen Registers, Traps and Traces, Orders for Telephone Subscriber Information and Electronic Tracking Devices. Renewals of applications for pen registers, traps and traces, telephone subscriber information, and electronic tracking devices, must be made to the magistrate judge who issued the original order allowing the requested relief. For the purposes of this Rule, however, a renewal does not include an application made after the expiration or termination of the original order. If an order authorizing a pen register, trap and trace, telephone subscriber information, or electronic tracking device, has expired by its terms, a subsequent application must be made to the current emergency magistrate judge.

(4) Violations of Conditions. If a person has been arrested for violation of a condition of release, a violation of a condition of probation, or a violation of a condition of supervised release, that matter must be presented to the magistrate judge who conducted previous proceedings in connection with that case; otherwise, the matter must be presented to the current emergency magistrate judge.

(5) Unavailability of Emergency Magistrate Judge. For all matters referred under Rule 15(c) above, if the emergency magistrate judge is not available, and the matter so referred requires appropriate action before the emergency magistrate judge, the matter must be referred to another magistrate judge sitting in Boston by random draw.

(6) Internal Revenue Service Summons Enforcement. Applications for Orders to Show Cause in matters related to Internal Revenue Service Summonses are **not** emergency matters within the meaning of these Rules. Those applications must be filed with the Clerk of

the Miscellaneous Business Docket and must, if ordered referred to a magistrate judge, be drawn to a magistrate judge on a random basis.

(e) Matters Ancillary to Proceedings in Other Districts. The emergency magistrate judge is responsible for all matters in this district ancillary to proceedings in other districts. Such proceedings include the appearance of a Massachusetts resident before a magistrate judge in this district to co-sign a surety bond or post property for a defendant who is being prosecuted in another district. In all such cases, the emergency magistrate judge must assign a Magistrate Judge Docket number to the ancillary proceeding and open a file; the file must be maintained in the same manner as a file maintained in connection with an application for a search warrant.

Rule 16 CONTEMPT OF COURT

Magistrate judges in the District of Massachusetts have all powers granted to magistrate judges by the provisions of 28 U.S.C. Section 636(e) with respect to contempt of court, and all proceedings they conduct pursuant to these powers must be in conformity with these statutory provisions.

Rule 17 TIMING OF REFERRAL OF CIVIL MOTION

The rule stated here does not apply to those motions referred to in Rule 8(b) of these Rules. In the absence of any extraordinary circumstances warranting prompt referral, no civil motion can be referred to a magistrate judge until such time as the non-moving parties are required to file an opposition under Rule 7.1(B)(2) of the Local Rules of this Court. The order of reference must state whether or not an opposition to the motion or motions has been filed.

Rule 18 TRANSMITTAL OF PAPERS TO A MAGISTRATE JUDGE

After referral of a case to a magistrate judge, the docket clerk must promptly docket all subsequently filed papers relating to that case and promptly must transmit the filed papers to the magistrate judge for consideration.

Rule 19 RECORD OF SUBSEQUENT PROCEEDINGS

In any case in which a party has filed objections to a magistrate judge's determination under Rule 2(b) of these Rules, or to a magistrate judge's proposed findings, recommendations or report under Rule 3(b) of these Rules, or has filed an appeal under Fed. R. Crim. P. 58(g)(2), the docket clerk assigned to the district judge to whom the motion for reconsideration, objections, or appeal, has been assigned must promptly transmit to the magistrate judge who conducted the previous proceedings all records and opinions relating to the subsequent action taken by the district judge.

Rule 20 FORM OF REFERRAL

All referrals to magistrate judges must be made by uniform orders of reference in civil, criminal, miscellaneous, and post-conviction cases in the form annexed to these Rules. In those civil cases referred to a magistrate judge for proceedings consistent with the provisions of Fed. R. Civ. P. 16, however, and in other pretrial management functions, non-dispositive motions may be referred to a magistrate judge under the provisions of Rule 17 of these Rules without a form of reference.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ORDER OF REFERENCE

Check if previously referred

V.

CA/CR No. _____

Criminal Category _____

In accordance with 28 U.S.C. §636 and the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, the above-entitled case is referred to Magistrate Judge _____ for the following proceedings:

____ Referred for full pretrial case management, including all dispositive motions.

____ Referred for full pretrial case management, not including dispositive motions:

____ Referred for discovery purposes only.

____ Referred for Report and Recommendation on:

- ____ () Motion(s) for injunctive relief
- ____ () Motion(s) for judgment on the pleadings
- ____ () Motion(s) for summary judgment
- ____ () Motion(s) to permit maintenance of a class action
- ____ () Motion(s) to suppress evidence
- ____ () Motion(s) to dismiss
- ____ () Post Conviction Proceedings¹

____ See Documents Numbered: _____

____ Case referred for events only. See Doc. No(s) _____

____ Case referred for settlement.

____ Service as a special master for hearing, determination and report, subject to the terms of the special order filed herewith:

- ____ () In accordance with Rule 53, F.R.Civ.P.
- ____ () In accordance with 42 U.S.C. 2000e-5(f)(5)

____ Special Instructions _____

Date

By: _____
Deputy Clerk

¹ See reverse side of order for instructions

INSTRUCTIONS FOR POST-CONVICTION PROCEEDINGS

In accordance with all rules governing §2254 and §2255 cases the magistrate judge to whom this post-conviction proceeding is referred shall:

- _____ Make a recommendation as to summary dismissal under Rule 4 of the Rules for §2254 and §2255 cases
- _____ Appoint counsel if the interests of justice so require
- _____ Order issuance of appropriate process, if necessary
- _____ Hold a hearing to determine whether or not an evidentiary hearing must be held and make a recommendation to the district judge
- _____ If the magistrate judge expects to recommend that an evidentiary hearing be held, the magistrate judge shall hold a pretrial conference for the purpose of narrowing the issue to be tried and submit a memo to the district judge setting forth:
 - (a) a concise summary of the ultimate facts claimed by
 - (1) petitioner
 - (2) respondent
 - (3) other parties;
 - (b) the facts established by the pleadings or by stipulations of the parties which may be incorporated by reference;
 - (c) any jurisdictional questions;
 - (d) issues of law, including evidentiary questions;
 - (e) the probable length of the evidentiary hearing.

The magistrate judge may also require the parties to submit the names of witnesses whom they intend to produce, and to exhibit to one another, and submit a schedule of, exhibits which they expect to offer in evidence.

- _____ As to any issue concerning which the magistrate judge does not intend to recommend an evidentiary hearing, the magistrate judge shall submit a memo which shall:
 - (a) identify the relevant portions of the record or transcript of prior proceedings;
 - (b) summarize the relevant facts;
 - (c) summarize the parties' contentions of law with appropriate citations;
 - (d) state the recommendations as to the disposition of such contentions of law, and the grounds therefore.

APPENDIX A SCHEDULE OF FINES

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Closure and public use restrictions	36	1.5(f)	NPS	\$50.00
Permit violations	36	1.6(g)	NPS	\$75.00
Permit violations, 2 nd offense within two years	36	1.6(g)	NPS	\$150.00
Wildlife and plant resources, possession or destruction (minor/major)	36	2.1(a)(1)(i), (ii) & (iv)	NPS	\$150.00/ \$200.00
Wildlife and plant resources, possession or destruction, 2 nd offense within two years	36	2.1(a)(1)(i)	NPS	\$200.00
Archeological resources, possession or destruction (minor/major)	36	2.1(a)(1)(iii)	NPS	\$150.00/ \$300.00
Wildlife or plants, introduction into park	36	2.1(a)(2)	NPS	\$50.00
Wildlife or plants, introduction into park, 2 nd offense within two years	36	2.1(a)(2)	NPS	\$100.00
Rocks or other items, throwing or tossing	36	2.1(a)(3)	NPS	\$50.00
Gathered wood, use or possession	36	2.1(a)(4)	NPS	\$50.00
Archeological or cultural resource, monument or statue, interference with	36	2.1(a)(5)	NPS	\$75.00
Structure or cultural or archeological resource, interference with	36	2.1(a)(6)	NPS	\$150.00
Structure or cultural or archeological resource, interference with, 2 nd offense within two years	36	2.1(a)(6)	NPS	\$200.00
Metal or mineral detector, possession or use	36	2.1(a)(7)	NPS	\$75.00
Metal or mineral detector, possession or use, 2 nd offense within two years	36	2.1(a)(7)	NPS	\$150.00
Trails and walkways, shortcutting	36	2.1(b)	NPS	\$25.00
Natural product violations	36	2.1(c)(3)(i)-(iv)	NPS	\$50.00
Natural products violations, 2 nd offense within two years	36	2.1(c)(3)(i)-(iv)	NPS	\$150.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Natural products violations, sale or commercial use	36	2.1(c)(v)	NPS	\$150.00
Wildlife, unauthorized taking	36	2.2(a)(1)	NPS	\$200.00
Wildlife, molesting or disturbing (minor/major)	36	2.2(a) (2)	NPS	\$50.00/ \$150.00
Wildlife, possession of unlawfully taken wildlife	36	2.2(a)(3)	NPS	\$200.00
Hunting, MGL c 131, §§1-92 assimilated	36	2.2(b)(4)	NPS	\$50.00/ \$100.00
Hunting, 321 CMR§3 assimilated	36	2.2(b)(4)	NPS	\$50.00/ \$150.00
Transporting lawfully taken wildlife through park area in violation of conditions	36	2.2(d)	NPS	\$100.00
Animals, spotlighting	36	2.2(e)	NPS	\$50.00
Animals, spotlighting, 2 nd offense within two years	36	2.2(e)	NPS	\$150.00
Fishing, state law assimilated	36	2.3(a)	NPS	\$50.00
Fishing, violations	36	2.3(d) (1)-(3), (6)-(8)	NPS	\$50.00
Fishing, unauthorized commercial fishing	36	2.3(d)(4)	NPS	\$250.00
Fishing, unauthorized commercial fishing, 2 nd offense within two years	36	2.3(d)(4)	NPS	\$1,000.00
Weapons, traps or nets, violations	36	2.4(a)-(c)	NPS	\$150.00
Weapons, traps or nets, violations	36	2.4(d), (f)	NPS	\$250.00
Wildlife, plant or animal specimens, taking	36	2.5(a)	NPS	\$100.00
Wildlife, plant or animal specimens, taking in violation of permit	36	2.5(h)	NPS	\$150.00
Camping, violations	36	2.10(b)(1)-(10) and (c)-(d)	NPS	\$100.00
Camping violations, 2 nd offense within two years	36	2.10(b)(1)-(10) and (c)-(d)	NPS	\$200.00
Picnicking, violations	36	2.11	NPS	\$50.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Audio disturbances	36	2.12(a)	NPS	\$50.00
Audio disturbances, 2 nd offense with two years	36	2.12(a)	NPS	\$100.00
Fires, in undesignated areas, prohibited acts	36	2.13(a)(1)-(5)	NPS	\$50.00
Fires, in undesignated areas, prohibited acts, 2 nd offense within two years	36	2.13(a)(1)-(5)	NPS	\$100.00
Fires, failure to extinguish	36	2.13(b)	NPS	\$50.00
Sanitation and refuse, violations (minor/major)	36	2.14	NPS	\$75.00/ \$200.00
Sanitation and refuse, violations (minor/major) 2 nd offense within two years	36	2.14	NPS	\$150.00/ \$400.00
Pets, prohibited acts	36	2.15(a)(1)-(3)	NPS	\$50.00
Pets, noise and excrement disposal	36	2.15(a)(4), (5), and (e)	NPS	\$50.00
Horses and pack animals, prohibited acts	36	2.16	NPS	\$50.00
Aircraft and air delivery, prohibited acts	36	2.17(a)(1)-(2)	NPS	\$100.00
Aircraft and air delivery, prohibited acts	36	2.17(a)(3)	NPS	\$175.00
Snowmobiles, violations	36	2.18(a)-(e)	NPS	\$50.00
Winter activities, area restrictions	36	2.19	NPS	\$50.00
Skating and skateboards, use restrictions	36	2.20	NPS	\$50.00
Smoking, prohibited acts	36	2.21	NPS	\$25.00
Property, abandoned	36	2.22(a)(1)	NPS	\$50.00
Property, leaving unattended	36	2.22(a)(2)	NPS	\$50.00
Property, failure to turn in found property	36	2.22(a)(3)	NPS	\$75.00
Fee area, entering without payment	36	2.23(b)	NPS	\$75.00
Fee area, entering without payment, 2 nd offense within two years	36	2.23(b)	NPS	\$150.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Property, misappropriation	36	2.30(a)(1)-(5)	NPS	\$200.00
Trespassing	36	2.31(a)(1)	NPS	\$100.00
Trespassing, 2 nd offense within two years	36	2.31(a)(1)	NPS	\$150.00
Tampering, or attempting	36	2.31(a)(2)	NPS	\$125.00
Vandalism	36	2.31(a)(3)	NPS	\$125.00
Interference with agency function (minor/major)	36	2.32(a)(1)	NPS	\$100.00/ \$200.00
Failure to obey lawful order (minor/major)	36	2.32(a)(2)	NPS	\$100.00/ \$200.00
False report or information	36	2.32(a)(3), (4)	NPS	\$100.00
Failure to report injury or damage	36	2.33(b)	NPS	\$100.00
Disorderly conduct (minor/major)	36	2.34(1)-(4)	NPS	\$150.00/ \$300.00
Alcohol, sale to underage person	36	2.35(a)(2)(i)	NPS	\$100.00
Alcohol, sale to underage person, 2 nd offense within two years	36	2.35(a)(2)(i)	NPS	\$200.00
Alcohol, possession violations	36	2.35(a)(2)(ii)-(iv)	NPS	\$50.00
Alcohol, consumption violations	36	2.35(a)(3)	NPS	\$75.00
Controlled substance, delivery	36	2.35(b)(1)	NPS	\$200.00
Controlled substances, possession (minor/major)	36	2.35(b)(2)	NPS	\$100.00/ \$200.00
Controlled substances, possession (minor/major), 2 nd offense within two years	36	2.35(b)(2)	NPS	\$200.00/ \$400.00
Alcohol or controlled substances, presence in park under the influence	36	2.35(c)	NPS	\$100.00
Alcohol or controlled substances, presence in park under the influence, 2 nd offense within two years	36	2.35(c)	NPS	\$200.00
Gambling	36	2.36(a)	NPS	\$50.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Soliciting, non-commercial	36	2.37	NPS	\$75.00
Explosives, prohibited acts	36	2.38(a)	NPS	\$250.00
Fireworks, possession/use	36	2.38(b)	NPS	\$50.00
Permit, violation of terms	36	2.50(e)	NPS	\$100.00
Permit, violation of terms, 2 nd offense within two years	36	2.50(e)	NPS	\$200.00
Public assemblies and meetings, prohibited acts	36	2.51(a) and (h)	NPS	\$75.00
Printed matter, sale and distribution, prohibited acts	36	2.52(a) and (h)	NPS	\$75.00
Livestock and agriculture, prohibited acts	36	2.60(a) and (b)	NPS	\$75.00
Residing on federal lands, prohibited acts	36	2.61(a) and (b)	NPS	\$100.00
Memorialization	36	2.62	NPS	\$50.00
U.S. Coast Guard, state regulations (minor/major)	36	3.2	NPS	\$25.00/ \$50.00
Accidents, failure to report	36	3.5	NPS	\$75.00
Vessel operation, negligent or reckless operation (minor/major)	36	3.8(b)(8) and (9)	NPS	\$100.00/ \$200.00
Vessel operation, prohibited acts	36	3.6 and 3.8(a) (1)-(4) and (b)(1)-(7) and 3.12	NPS	\$50.00
Vessel, noise abatement violations	36	3.15	NPS	\$50.00
Swimming, surfing, scuba and water skiing, violations	36	3.16-3.19	NPS	\$50.00
Personal water craft, prohibited operations	36	3.9	NPS	\$50.00
Discharging sewage into fresh water	36	3.13(a)	NPS	\$250.00
MSD, failure to lock/secure	36	3.13.(b)	NPS	\$100.00
Sunken, grounded, disabled boat, failure to remove	36	3.14	NPS	\$250.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Assimilative crimes	36	4.2(b)	NPS	\$100.00
Assimilative crimes, with state mandatory fine applicable	36	4.2(b)	NPS	\$500.00
Traffic, failure to report accident	36	4.4(c)	NPS	\$50.00
Traffic, travel on roads and designated routes (minor/major)	36	4.10(a) and (c)	NPS	\$75.00/ \$150.00
Traffic, load, weight and size violations	36	4.11(b)	NPS	\$100.00
Traffic, control devices	36	4.12	NPS	\$50.00
Traffic, unauthorized parking, or parking contrary to signs	36	4.12	NPS	\$25.00
Traffic, parking in handicapped spot	36	4.12	NPS	\$50.00
Traffic, obstructing	36	4.13	NPS	\$50.00
Traffic, open container of alcohol	36	4.14(b)	NPS	\$50.00
Traffic, seat belts	36	4.15(c)	NPS	\$50.00
Traffic, right of way	36	4.20	NPS	\$50.00
Traffic, speeding (1-10 mph over)	36	4.21(c)	NPS	\$50.00
Traffic, speeding(11-20 mph over)	36	4.21(c)	NPS	\$100.00
Traffic, speeding(21 plus mph over)	36	4.21(c)	NPS	\$150.00
Traffic, unsafe operation (minor/major)	36	4.22(b)(1,3-4)	NPS	\$100.00/ \$200.00
Traffic, skidding and squealing tires	36	4.22(b)(2)	NPS	\$50.00
Bicycles, prohibited acts	36	4.30	NPS	\$25.00
Hitchhiking	36	4.31	NPS	\$50.00
Advertisements and postings, violations	36	5.1	NPS	\$75.00
Business operations, prohibited acts	36	5.3	NPS	\$100.00
Photography, prohibited acts	36	5.5	NPS	\$250.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Traffic, commercial vehicle prohibited use	36	5.6	NPS	\$100.00
Traffic, commercial vehicle prohibited use, 2 nd offense within two years	36	5.6	NPS	\$200.00
Traffic, driving off oversand route	36	7.67(a)(5)(i)	CCNS	\$75.00
Traffic, exceeding speed limit	36	7.67(a)(5)(ii)	CCNS	\$50.00
Traffic, parking in oversand route	36	7.67(a)(5)(iii)	CCNS	\$50.00
Traffic, riding on outside of vehicle	36	7.67(a)(5)(iv)	CCNS	\$50.00
Traffic, driving on protected beach	36	7.67(a)(5)(v)	CCNS	\$100.00
Traffic, operating a motorcycle on oversand route	36	7.67(a)(5)(vi)	CCNS	\$50.00
Equipment, required equipment	36	7.67(a)(6)	CCNS	\$50.00
Oversand permit, violations	36	7.67(a)(7)	CCNS	\$100.00
Camping, ORV violations	36	7.67(a)(9)	CCNS	\$75.00
Aircraft	36	7.67(b)	CCNS	\$100.00
Motorboats, prohibited from ponds	36	7.67(c)	CCNS	\$50.00
Nudity	36	7.67(e)	CCNS	\$50.00
Closed areas, entry into (trespass)	41	102-74.375	DHS/FPS	\$75.00
Rubbish, improper disposal	41	102-74.380(a)	DHS/FPS	\$75.00
Buildings, throwing objects at or climbing on	41	102-74.380(e)	DHS/FPS	\$50.00
Property, theft, destruction, damage or removal	41	102-74.380(b) and (c)	DHS/FPS	\$150.00
Failure to obey signs	41	102-74.385	DHS/FPS	\$50.00
Failure to obey lawful order	41	102-74.385	DHS/FPS	\$100.00
Loitering, unauthorized	41	102-74.390	DHS/FPS	\$50.00
Disorderly conduct (minor/major)	41	102-74.390	DHS/FPS	\$150.00/ \$300.00
Gambling	41	102-74.395	DHS/FPS	\$50.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Drugs, under the influence, using, or possessing narcotic drugs	41	102-74.400(a)	DHS/FPS	\$100..00
Alcohol, entering premises under the influence or unauthorized use of alcohol	41	102-74.405	DHS/FPS	\$100.00
Solicitation, unauthorized	41	102-74.410	DHS/FPS	\$50.00
Solicitation, unauthorized commercial or political solicitation or advertising	41	102-74.410	DHS/FPS	\$50.00
Advertising, unauthorized posting or distributing	41	102-74.415	DHS/FPS	\$50.00
Photography, unauthorized	41	102-74.420	DHS/FPS	\$50.00
Traffic, failure to obey signs	41	102-74.430	DHS/FPS	\$25.00
Traffic, reckless or unsafe operation	41	102-74.430	DHS/FPS	\$100.00
Traffic, unauthorized parking	41	102-74.430	DHS/FPS	\$25.00
Traffic, parking contrary to signs or in reserved or restricted areas	41	102-74.430	DHS/FPS	\$25.00
Traffic, parking in handicapped spots	41	102-74.430	DHS/FPS	\$50.00
Traffic, parking in emergency spots, fire lanes or near fire hydrant	41	102-74.430	DHS/FPS	\$50.00
Traffic, failure to park in marked space	41	102-74.430	DHS/FPS	\$25.00
Traffic, blocking roadway, entrance, driveway or walk	41	102-74.430	DHS/FPS	\$50.00
Rubbish, improper disposal	38	1.218(b)(1)	VA	\$75.00
Spitting, on property	38	1.218(b)(2)	VA	\$10.00
Buildings, throwing from or climbing on	38	1.218(b)(3)	VA	\$25.00
Property, destruction, damage or removal	38	1.218(b)(4)	VA	\$150.00
Grave marker, destruction, defacement or removal	38	1.218(b)(5)	VA	\$150.00
Failure to obey signs	38	1.218(b)(6)	VA	\$25.00
Signs, tampering with or removal	38	1.218(b)(7)	VA	\$75.00
Trespass into posted or closed areas	38	1.218(b)(8)	VA	\$25.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Demonstration, unauthorized	38	1.218(b)(9)	VA	\$50.00
Disturbance, during burial ceremony	38	1.218(b)(10)	VA	\$75.00
Disorderly conduct	38	1.218(b)(11)	VA	\$150.00
Failure to depart premises	38	1.218(b)(12)	VA	\$25.00
Loitering, unauthorized	38	1.218(b)(13)	VA	\$25.00
Gambling	38	1.218(b)(14)	VA	\$50.00
Alcohol/drugs, entering premises under influence of alcohol or controlled substances	38	1.218(b)(16)	VA	\$100.00
Alcohol/drugs, unauthorized use of alcohol or controlled substances	38	1.218(b)(17)	VA	\$100.00
Alcohol/drugs, unauthorized introduction onto property or giving to patient	38	1.218(b)(18)	VA	\$100.00
Solicitation, unauthorized	38	1.218(b)(19)	VA	\$25.00
Solicitation, commercial	38	1.218(b)(20)	VA	\$25.00
Advertisements, distributing	38	1.218(b)(21)	VA	\$15.00
Advertisements, postings or display	38	1.218(b)(22)	VA	\$15.00
Photography, unauthorized	38	1.218(b)(23)	VA	\$25.00
Traffic, failure to comply with traffic directions of police	38	1.218(b)(24)	VA	\$25.00
Traffic, parking in handicapped spot	38	1.218(b)(25)	VA	\$35.00
Traffic, parking in no-parking areas	38	1.218(b)(26)	VA	\$25.00
Traffic, parking in emergency spaces, fire lanes or near fire hydrant	38	1.218(b)(27)	VA	\$35.00
Traffic, parking in intersection or blocking an entrance or exit lane	38	1.218(b)(28)	VA	\$25.00
Traffic, parking in reserved spots or in excess of time limit	38	1.218(b)(29)	VA	\$15.00
Traffic, failure to make full stop	38	1.218(b)(30)	VA	\$25.00

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Traffic, driving in wrong direction on one-way street	38	1.218(b)(32)	VA	\$25.00
Traffic, reckless or unsafe operation	38	1.218(b)(33)	VA	\$75.00
Traffic, speeding (1-10 mph over)	38	1.218(b)(34)	VA	\$25.00
Traffic, speeding (11-20 mph over)	38	1.218(b)(34)	VA	\$35.00
Traffic, speeding (21 plus mph over)	38	1.218(b)(34)	VA	\$75.00
Traffic, excessive noise in hospital or cemetery zone	38	1.218(b)(35)	VA	\$25.00
Traffic, right of way	38	1.218(b)(36)	VA	\$25.00
Firearms, possession	38	1.218(b)(37)	VA	\$250.00
Explosives, possession	38	1.218(b)(38)	VA	\$250.00
Dangerous weapons, knives, possession	38	1.218(b)(39)	VA	\$150.00
Dangerous weapons, liquid or gas emitting, possession	38	1.218(b)(40)	VA	\$100.00
Room keys, unauthorized possession, manufacture or use	38	1.218(b)(41)	VA	\$100.00
Unauthorized opening of locks or barrier mechanisms	38	1.218(b)(42)	VA	\$150.00
Prostitution, act or solicitation	38	1.218(b)(43)	VA	\$100.00
Sexual activity, unlawful	38	1.218(b)(44)	VA	\$100.00
Cemetery grounds, bicycling, jogging prohibited	38	1.218(b)(45)	VA	\$25.00
Traffic, parking violations (general)	39	232.1(k)(5)	PS	\$25.00
Traffic, blocking entrances, driveways, walks, and fire hydrants	39	232.1(k)(4)	PS	\$50.00
Traffic, parking in handicapped spot	39	232.1(k)(5)	PS	\$100.00
Traffic, careless and unsafe driving	39	232.1(k)(3)	PS	\$100.00
Traffic, failure to possess licence, registration, or display current and valid tags and licenses	39	232.1(k)(1)	PS	\$50.00

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Traffic, driving without a current and valid license	39	232.1(k)(1)	PS	\$500.00
Traffic, driving with suspended or revoked license	39	232.1(k)(2)	PS	\$500.00
Traffic, failure to conform to traffic/parking signs	39	232.1(d)	PS	\$50.00
Failure to obey lawful order	39	232.1(d)	PS	\$100.00
Trespassing	39	232.1(d)	PS	\$100.00
Failure to present identification upon request	39	232.1(b)(3)	PS	\$75.00
Rubbish, improper disposal	39	232.1(c)	PS	\$75.00
Buildings, throwing from or climbing on	39	232.1(c)	PS	\$50.00
Property, destroying, damaging or removal	39	232.1 (d)	PS	\$150.00
Disorderly conduct (minor/major)	39	232.1(e)	PS	\$150.00/ \$300.00
Gambling	39	232.1(f)	PS	\$50.00
Alcohol, controlled substances, entering property under influence of alcohol or controlled substance, or possession, sale, or use of same	39	232.1(g)(1)	PS	\$100.00
Soliciting, electioneering, vending, advertising, picketing, demonstrating	39	232.1(h)	PS	\$50.00
Photography, unauthorized	39	232.1(i)	PS	\$25.00
Firearms, weapons, unauthorized possession/storage of firearms, dangerous weapons, explosives	39	232.1(l)	PS	\$250.00
Vessels, non-compliance with special regulations	33	207.20(a)-(m)	USACE	\$250.00
Waste, non-authorized disposal	33	207.20(n)	USACE	\$250.00
Trespassing	33	207.20(o)	USACE	\$75.00
Bridges,	33	207.20(p)	USACE	\$50.00
Swimming, scuba diving	33	207.20(q)(3)	USACE	\$50.00

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Camping	33	207.20(q)(4)	USACE	\$100.00
Fishing	33	207.20(q)(5)	USACE	\$50.00
Traffic, parking in violation of posted restrictions	36	327.2(b)	USACE	\$25.00
Traffic, operating off roadways	36	327.2(c)	USACE	\$100.00
Traffic, violating posted regulations	36	327.2(d)	USACE	\$50.00
Traffic, careless, negligent, reckless operation	36	327.2(e)	USACE	\$100.00
Traffic, operating in developed areas	36	327.2(f)	USACE	\$50.00
Traffic, exhaust system violations	36	327.2(g)	USACE	\$50.00
Vessels, placement and/or operation	36	327.3(b)	USACE	\$50.00
Vessels, violating posted regulations	36	327.3(c)	USACE	\$50.00
Vessels, careless, negligent, reckless operation	36	327.3(d)	USACE	\$100.00
Vessels, safety equipment violations	36	327.3(e)	USACE	\$50.00
Vessels, habitation	36	327.3(f)	USACE	\$100.00
Vessels, waterskis, parasails	36	327.3(g)	USACE	\$50.00
Vessels, navigational aids violations	36	327.3(h)	USACE	\$50.00
Vessels, Safe Boating Act violations	36	327.3(i)	USACE	\$50.00
Vessels, exhaust system violations	36	327.3(j)	USACE	\$25.00
Aircraft	36	327.4	USACE	\$100.00
Swimming	36	327.5	USACE	\$50.00
Picnicking	36	327.6	USACE	\$25.00
Camping	36	327.7	USACE	\$100.00
Hunting, fishing, trapping	36	327.8	USACE	\$100.00
Sanitation, violations	36	327.9(a), (b), and (d)	USACE	\$100.00
Sanitation, violations	36	327.9(c) and (e)	USACE	\$250.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Fires	36	327.10	USACE	\$50.00
Animals, control of	36	327.11	USACE	\$50.00
Restrictions, closure and public use	36	327.12(a)	USACE	\$50.00
Restrictions, quiet hours and noise violations	36	327.12(b) and (d)	USACE	\$50.00
Restrictions, disorderly or unsafe conduct	36	327.12(c)	USACE	\$150.00
Restrictions, possession or use of alcohol	36	327.12(e)	USACE	\$50.00
Restrictions, smoking violations	36	327.12(f)	USACE	\$25.00
Explosives, fireworks	36	327.13	USACE	\$50.00
Property, public	36	327.14	USACE	\$150.00
Property, abandonment	36	327.15	USACE	\$50.00
Property, lost and found	36	327.16	USACE	\$50.00
Advertising	36	327.17	USACE	\$50.00
Commercial activity	36	327.18	USACE	\$100.00
Permits, violations	36	327.19	USACE	\$100.00
Structures, unauthorized	36	327.20	USACE	\$100.00
Special events, violations	36	327.21	USACE	\$100.00
Occupation or agricultural use, unauthorized	36	327.22	USACE	\$100.00
Recreation use fees, violations	36	327.23	USACE	\$50.00
Interference with federal employee	36	327.24(a)	USACE	\$150.00
Failure to comply with lawful order	36	327.24(b)	USACE	\$100.00
Traffic, improper overtaking	MGL c 89	2	ACA/DEV/ HAFB	\$25.00
Traffic, failure to yield to emergency vehicles	MGL c 89	7A	ACA/DEV/ HAFB	\$50.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Traffic, failure to stop for posted sign	MGL c 89	9	ACA/DEV/ HAFB	\$25.00
Traffic, yield sign violation	MGL c 89	9	ACA/DEV/ HAFB	\$25.00
Traffic, failure to yield to pedestrian in crosswalk	MGL c 89	11	ACA/DEV/ HAFB	\$50.00
Traffic, leaving vehicle running and unattended	MGL c 89	13	ACA/DEV/ HAFB	\$25.00
Traffic, failure to stop for school bus	MGL c 90	14	ACA/DEV/ HAFB	\$100.00
Traffic, failure to yield to pedestrian	MGL c 90	14	ACA/DEV/ HAFB	\$25.00
Traffic, improper use of traffic lane	MGL c 90	14	ACA/DEV/ HAFB	\$25.00
Traffic, failure to use turn signal	MGL c 90	14	ACA/DEV/ HAFB	\$25.00
Traffic, use of automobile in unauthorized area	MGL c 90	16	ACA/DEV/ HAFB	\$25.00
Traffic, speeding	MGL c 90	17	ACA/DEV/ HAFB	\$35.00 plus \$10.00 for each mph over 10 mph over the limit
Traffic, improper display of license plate	MGL c 90	6	ACA/DEV/ HAFB	\$25.00
Traffic, defective equipment	MGL c 90	7	ACA/DEV/ HAFB	\$25.00
Traffic, failure to wear protective headgear	MGL c 90	7	ACA/DEV/ HAFB	\$25.00
Traffic, no state inspection	MGL c 90	7A	ACA/DEV/ HAFB	\$25.00
Traffic, child under 5 years without restraint	MGL c 90	7AA	ACA/DEV/ HAFB	\$25.00
Traffic, operating an unregistered vehicle	MGL c 90	9	ACA/DEV/ HAFB	\$50.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Traffic, operating a vehicle without license	MGL c 90	10	ACA/DEV/ HAFB	\$500.00
Traffic, failure to have license or registration in possession	MGL c 90	11	ACA/DEV/ HAFB	\$25.00
Traffic, objectionable/ unreasonable noise	MGL c 90	16	ACA/DEV/ HAFB	\$25.00
Traffic, operating after suspension or revocation of license	MGL c 90	23	ACA/DEV/ HAFB	\$500.00
Traffic, operating on revoked or suspended registration	MGL c 90	23	ACA/DEV/ HAFB	\$500.00
Traffic, attaching wrong plates	MGL c 90	23	ACA/DEV/ HAFB	\$50.00
Traffic, open containers of alcohol	MGL c 90	24I	ACA/DEV/ HAFB	\$100.00
Traffic, failure to obey lawful order of authorized official	MGL c 90	25	ACA/DEV/ HAFB	\$100.00
Traffic, failure to exhibit identification/ providing false identification	MGL c 90	25	ACA/DEV/ HAFB	\$100.00
Traffic, failure to submit identification to officer	MGL c 90	25	ACA/DEV/ HAFB	\$100.00
Traffic, failure to report accident in excess of \$1000	MGL c 90	26	ACA/DEV/ HAFB	\$25.00
Traffic, failure to report personal injury accident	MGL c 90	26	ACA/DEV/ HAFB	\$25.00
Traffic, transportation of alcohol by minor	MGL c 138	34C	ACA/DEV/ HAFB	\$35.00
Alcohol, possession by minor	MGL c 138	34C	ACA/ DEV/ HAFB	\$35.00
Animals, domestic, trespassing	MGL c 266	118	ACA/DEV/ HAFB	\$5.00
Disorderly conduct, indecent exposure, nudism	MGL c 272	53	ACA/DEV/ HAFB	\$150.00
Trespassing, military base	18 USC	1382	HAFB	\$75.00
Property, failure to turn in lost property	50	25.22	F & W	\$50.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Permits, failure to exhibit permit or license	50	25.42	F & W	\$75.00
Entrance fee violations	50	25.56	F & W	\$50.00
Property or injury, failure to report accidents	50	25.72	F & W	\$50.00
Trespassing	50	26.21(a)	F & W	\$75.00
Trespassing, domestic animals	50	26.21(b)	F & W	\$50.00
Regulations, non-compliance	50	26.22	F & W	\$50.00
Special regulations, non-compliance	50	26.33	F & W	\$50.00
Permit violations, assemblies and demonstrations	50	26.36	F & W	\$75.00
Animals and plants, taking without authorization	50	27.21	F & W	\$100.00/ \$50.00
Traffic, motorized vehicles in restricted areas	50	27.31	F & W	\$125.00
Traffic, unlawful operation	50	27.31(a)	F & W	\$50.00
Traffic, operation to endanger	50	27.31(c)	F & W	\$100.00
Traffic, speeding, (1-10 mph over)	50	27.31(d)	F & W	\$50.00
Traffic, speeding(11-20 mph over)	50	27.31(d)	F & W	\$100.00
Traffic, speeding(21 plus mph over)	50	27.31(d)	F & W	\$150.00
Traffic, operation of vehicle without valid license plate, or not properly registered or inspected	50	27.31(f)	F & W	\$50.00
Traffic, operation of vehicle without valid license	50	27.31(g)	F & W	\$500.00
Traffic, unauthorized parking	50	27.31(h)	F & W	\$25.00
Traffic, failure to obey traffic order of officer	50	27.31(i)	F & W	\$100.00
Traffic, moving auto involved in accident	50	27.31(k)	F & W	\$50.00
Traffic, operation without proper lights	50	27.31(l)	F & W	\$50.00
Boating, unauthorized boating, violation of regulations	50	27.32(a)	F & W	\$50.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Boating, reckless, negligent, endangering operation	50	27.32(b)(2)	F & W	\$100.00
Boating, operating under the influence of alcohol or controlled substances	50	27.32(b)(3)	F & W	\$500.00
Water skiing, violation of regulations	50	27.33	F & W	\$50.00
Aircraft, low-level operation of unauthorized landing or take-off	50	27.34	F & W	\$200.00
Firearms, unauthorized firearms, fireworks or explosives, carrying, possessing or discharging	50	27.41	F & W	\$250.00
Weapons, other than firearms, unauthorized possession or use	50	27.43	F & W	\$100.00
Plant or animals, disturbing or injuring	50	27.51	F & W	\$50.00
Plant or animals, introducing from elsewhere	50	27.52	F & W	\$50.00
Public property, destruction or removal	50	27.61	F & W	\$125.00
Objects of antiquity, searching for or removing	50	27.62	F & W	\$100.00
Valued objects, unauthorized searching or removal	50	27.63	F & W	\$100.00
Prospecting or mining, unlawful	50	27.64	F & W	\$100.00
Motor vehicles or equipment, unauthorized entry or starting	50	27.65	F & W	\$100.00
Commercial film making without authorization	50	27.71	F & W	\$100.00
Unreasonable operation of audio equipment	50	27.72	F & W	\$25.00
Hunting, unauthorized spotting of wildlife	50	27.73	F & W	\$100.00
Alcohol, entering or remaining while under influence	50	27.81	F & W	\$100.00
Drugs, delivery of controlled substance	50	27.82(b)(1)	F & W	\$350.00
Drugs, possession of controlled substance	50	27.82(b)(2)	F & W	\$175.00
Drugs, presence while under the influence	50	27.82(b)(3)	F & W	\$100.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Indecent or disorderly conduct	50	27.83	F & W	\$150.00
Interference with authorized activities	50	27.84	F & W	\$150.00
Gambling	50	27.85	F & W	\$50.00
Begging, food solicitation	50	27.86	F & W	\$50.00
Field dog trials, unauthorized	50	27.91	F & W	\$50.00
Private structures, unauthorized	50	27.92	F & W	\$100.00
Personal property, abandoning	50	27.93	F & W	\$100.00
Unauthorized disposal, polluting waters or other areas with oils, acids, wastes, poisons	50	27.94(a)	F & W	\$200.00
Garbage/debris, littering, disposing or dumping	50	27.94(a)	F & W	\$50.00
Fire, unauthorized use	50	27.95	F & W	\$50.00
Advertising, unauthorized	50	27.96	F & W	\$50.00
Soliciting business, conducting commercial enterprise, unauthorized	50	27.97	F & W	\$50.00
Trapping, non-compliance with conditions	50	31.16	F & W	\$50.00
Hunting, non-compliance with general provisions	50	32.2(a)-(j)	F & W	\$100.00
Sport fishing, non-compliance with general provisions	50	32.5	F & W	\$100.00
Sport fishing, each violating fish	50	32.5	F & W	\$25.00
MBTA, unauthorized hunting	50	20.20(b)	F & W	\$50.00
MBTA, taking with illegal device or substance	50	20.21(a)	F & W	\$200.00
MBTA, taking with shotgun capable of holding more than 3 shells	50	20.21(b)	F & W	\$50.00
MBTA, taking by means, aid or use of sinkbox	50	20.21(c)	F & W	\$100.00
MBTA, taking by means or use of motorized vehicle or aircraft	50	20.21(d)	F & W	\$150.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
MBTA, taking by means of motorized boat under power	50	20.21(e)	F & W	\$150.00
MBTA, taking by use or aid of live birds	50	20.21(f)	F & W	\$250.00
MBTA, taking by means or use of recorded or amplified bird calls	50	20.21(g)	F & W	\$250.00
MBTA, taking by means or aid of motorized conveyance to drive, rally or stir up waterfowl	50	20.21(h)	F & W	\$150.00
MBTA, taking by use of bait	50	20.21(i)	F & W	\$300.00
MBTA, taking waterfowl or coots while possessing prohibited shot shells	50	20.21(j)	F & W	\$75.00
MBTA, taking during closed season	50	20.22	F & W	\$150.00
MBTA, each bird taken during closed season	50	20.22	F & W	\$25.00
MBTA, taking before or after legal shooting hours, first 15 minutes	50	20.23	F & W	\$50.00
MBTA, taking before or after legal shooting hours, each additional 15 minutes	50	20.23	F & W	\$25.00
MBTA, taking more than daily bag limit	50	20.24	F & W	\$150.00
MBTA, each bird in excess of daily bag limit	50	20.24	F & W	\$25.00
MBTA, wanton waste	50	20.25	F & W	\$150.00
MBTA, possession of birds taken in violation of 20.21 through 20.24	50	20.31	F & W	\$150.00
MBTA, each bird possessed that was taken in violation of 20.21 through 20.24	50	20.31	F & W	\$25.00
MBTA, possession of freshly killed bird during closed season	50	20.32	F & W	\$150.00
MBTA, each freshly killed bird possessed during closed season	50	20.32	F & W	\$25.00
MBTA, exceeding possession limit taken in United States	50	20.33	F & W	\$150.00
MBTA, each bird possessed over limit taken in United States	50	20.33	F & W	\$25.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
MBTA, possession in excess of daily bag limit on opening day	50	20.34	F & W	\$150.00
MBTA, each bird possessed in excess of daily bag limit on opening day	50	20.34	F & W	\$25.00
MBTA, possession or transportation in excess of daily bag limit	50	20.35	F & W	\$150.00
MBTA, each bird possessed or transported in excess of daily bag limit	50	20.35	F & W	\$25.00
MBTA, violation of tagging regulations	50	20.36	F & W	\$50.00
MBTA, possession of untagged birds of another person	50	20.37	F & W	\$50.00
MBTA, possession of live wounded bird	50	20.38	F & W	\$50.00
MBTA, transportation of birds taken in violation of 20.21 through 20.24	50	20.41	F & W	\$150.00
MBTA, each bird transported that was taken in violation of 20.21 through 20.24	50	20.41	F & W	\$25.00
MBTA, transportation of untagged birds of another person	50	20.42	F & W	\$50.00
MBTA, transportation of birds with species identification removed	50	20.43	F & W	\$100.00
MBTA, mis-marking or non-marking of bird containers via Postal or common carrier	50	20.44	F & W	\$50.00
MBTA, exportation of birds taken in violation of 20.21 through 20.24	50	20.51	F & W	\$150.00
MBTA, each bird exported that was taken in violation of 20.21 through 20.24	50	20.51	F & W	\$25.00
MBTA, export of birds with species identification removed	50	20.52	F & W	\$100.00
MBTA, mis-marking or non-marking of bird containers via Postal or common carrier	50	20.53	F & W	\$50.00
MBTA, importing in excess of importation limits	50	20.61	F & W	\$100.00
MBTA, each bird imported in excess of importation limits	50	20.61	F & W	\$25.00
MBTA, importing birds of another	50	20.62	F & W	\$50.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
MBTA, importing birds with species identification removed	50	20.63	F & W	\$100.00
MBTA, import, possess, transport or ship birds without export permits, tags and other documentation	50	20.64	F & W	\$100.00
MBTA, importing birds not drawn or dressed as required	50	20.65	F & W	\$50.00
MBTA, mis-marking or non-marking bird containers via Postal or common carrier	50	20.66	F & W	\$50.00
MBTA, taking, possession, transportation or exporting migratory birds, parts, eggs or nests in violation of any other federal regulation	50	20.71	F & W	\$150.00
MBTA, each bird taken, possessed, transported or exported in violation of any other federal regulation	50	20.71	F & W	\$25.00
MBTA, taking, possession, transportation or exporting migratory birds, parts, eggs, or nests in violation of any state regulation	50	20.72	F & W	\$150.00
MBTA, importing, possession, or transportation of any migratory bird, parts, eggs or nests if taken, bought, sold, transported, possessed or exported contrary to law or regulation of the foreign country or state or province thereof	50	20.73	F & W	\$150.00
MBTA, each bird imported, possessed, or transported if taken, bought, sold, transported, possessed or exported contrary to law or regulation of the foreign country, state or province thereof	50	20.73	F & W	\$25.00
MBTA, commercial facility with untagged migratory birds of another	50	20.81	F & W	\$100.00
MBTA, commercial facility, violation of record keeping requirements	50	20.82	F & W	\$100.00
MBTA, commercial facility, not permitting inspection of records or premises	50	20.83	F & W	\$200.00
MBTA, purchase, sell or barter, or offer thereof, of feathers of migratory game birds for millinery or ornamental use	50	20.91(a)	F & W	\$200.00
MBTA, purchase, sell or barter, or offer thereof, of mounted specimens taken by hunting	50	20.91(b)	F & W	\$200.00

**APPENDIX A
SCHEDULE OF FINES - 2008
Forfeiture of Collateral Schedule**

Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
MBTA, violation of crow hunting regulations	50	20.133	F & W	\$50.00
MBTA, each crow illegally taken	50	20.133	F & W	\$25.00
MBTA, taking, possession, transportation, selling, purchasing, barter, or offering thereof, exporting or importing migratory birds, parts, eggs or nests without authorization	50	21.11	F & W	\$150.00
MBTA, each specimen taken, possessed, transported, sold, purchased, bartered, exported or imported without authorization	50	21.11	F & W	\$25.00
MBTA, acquisition or disposition of migratory birds from or to unauthorized persons	50	21.12(b)	F & W	\$100.00
MBTA, each specimen acquired or disposed of from or to unauthorized persons	50	21.12(b)	F & W	\$25.00
MBTA, taking mallard ducks or eggs from wild without permit	50	21.13(a)	F & W	\$150.00
MBTA, each mallard duck or egg taken from wild without permit	50	21.13(a)	F & W	\$25.00
MBTA, possession of unmarked mallard ducks without permit	50	21.13(b)	F & W	\$75.00
MBTA, sale or disposal of unmarked mallard ducks	50	21.13(c)	F & W	\$75.00
MBTA, shooting captive-reared mallard ducks when unauthorized	50	21.13(d)	F & W	\$75.00
MBTA, possession of unmarked mallard ducks prior to final processing for consumption	50	21.13(e)	F & W	\$75.00
MBTA, acquisition of captive-reared migratory waterfowl from unauthorized person	50	21.14(a)	F & W	\$75.00
MBTA, possession of unmarked waterfowl after 6 weeks of age	50	21.14(b)	F & W	\$100.00
MBTA, disposal of captive migratory waterfowl without permit	50	21.14(c)	F & W	\$100.00
MBTA, shooting of captive migratory waterfowl without authorization	50	21.14 (d)	F & W	\$75.00

**APPENDIX A
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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
MBTA, possession of unmarked captive migratory waterfowl prior to final processing for consumption	50	21.14(e)	F & W	\$75.00
MBTA, failure to furnish or retain form 3-186	50	21.14(f)	F & W	\$75.00
MBTA, importing migratory birds, parts, eggs or nests without import permit	50	21.21(a)(1)	F & W	\$150.00
MBTA, each specimen imported without permit	50	21.21(a)(1)	F & W	\$25.00
MBTA, exporting migratory birds, parts, eggs or nests without export permit	50	21.21(a)(2)	F & W	\$150.00
MBTA, each specimen exported without permit	50	21.21 (a)(2)	F & W	\$25.00
MBTA, capturing and/or banding migratory birds without a permit	50	21.22	F & W	\$100.00
MBTA, performing taxidermy of migratory birds for another without permit	50	21.24	F & W	\$150.00
MBTA, failure to keep accurate records of taxidermy operations	50	21.24(d)(1)	F & W	\$150.00
MBTA, failure to properly tag migratory birds for taxidermy purposes	50	21.24(d)(2)	F & W	\$100.00
MBTA, taking, possession, transportation, selling, purchasing, bartering or transferring any raptor for falconry purposes in violation of federal falconry standards	50	21.28	F & W	\$250.00
MBTA, each bird taken, possessed, transported, sold, purchased, bartered or transferred in violation of federal falconry standards	50	21.28	F & W	\$50.00
MBTA, taking, possession, transportation, selling, purchasing or bartering any raptor for falconry purposes in violation of state laws	50	21.29	F & W	\$250.00
MBTA, each bird taken, possessed, transported, sold, purchased or bartered in violation of state laws pertaining to falconry	50	21.29	F & W	\$50.00
Permit, engaging in activity without required permit	50	13.1	F & W	\$150.00
Permit, unauthorized transfer	50	13.25	F & W	\$100.00

**APPENDIX A
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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Wildlife, possession maintained under inhumane and unhealthful conditions	50	13.41	F & W	\$150.00
Wildlife, each specimen possessed under inhumane and unhealthful conditions	50	13.41	F & W	\$25.00
Permit, failure to adhere to specific authorizations	50	13.42	F & W	\$100.00
Permit, alter or misuse of permit	50	13.43	F & W	\$150.00
Permit, failure to display as required	50	13.44	F & W	\$50.00
Permit, failure to report permit activities	50	13.45	F & W	\$100.00
Permit, failure to keep or retain permit records	50	13.46	F & W	\$100.00
Permit, failure to permit inspections	50	13.47	F & W	\$200.00
Permit, non-compliance with conditions of permit and all laws and regulations governing activity	50	13.48	F & W	\$100.00
Wildlife, import or transport to U.S. any wild mammal or bird under inhumane or unhealthful conditions	50	14.103	F & W	\$300.00
Wildlife, importation declaration, non-commercial	50	14.61	F & W	\$100.00
Wildlife, importation declaration, commercial	50	14.61	F & W	\$350.00
Wildlife, export declaration, non-commercial	50	14.63	F & W	\$100.00
Wildlife, export declaration, commercial	50	14.63	F & w	\$350.00
Exotic birds, violation of import regulations or issued permits	50	15.11(a)-(e)	F & W	\$250.00
Exotic birds, each bird imported contrary to regulations or permits	50	15.11(a)-(e)	F & W	\$50.00
Wildlife, unauthorized importing or shipping in interstate commerce of prohibited fish or wildlife species	50	16.3 through 16.15	F & W	\$250.00
Wildlife, each specimen imported or transported in violation of 16.3 through 16.15	50	16.3 through 16.15	F & W	\$50.00
Wildlife, violation of permit	50	16.22	F & W	\$100.00

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Description of Violation	CFR Title	CFR Section	Agency Initials	Collateral Amount
Wildlife, violation of threatened wildlife prohibitions, short of taking threatened wildlife or violating captive-bred threatened wildlife regulations	50	17.31	F & W	\$250.00
Wildlife, taking of any threatened wildlife	50	17.31	F & W	\$500.00
Wildlife, violation of captive-breed threatened wildlife regulations	50	17.31	F & W	\$150.00
Wildlife, each specimen of threatened wildlife for which threatened wildlife prohibitions have been violated	50	17.31	F & W	\$50.00
Wildlife, violation of special regulations pertaining to threatened wildlife	50	17.40 through 17.48	F & W	\$150.00
Wildlife, each specimen for which special threatened wildlife regulations are violated	50	17.40 through 17.48	F & W	\$50.00
Fish hatchery, violation of 50 CFR 27, as they pertain to Wildlife Refuges	50	70.4(a)	F & W	same amounts as listed for violation of 50 CFR 27
Fish hatchery, unauthorized taking (or attempt) of fish or aquatic animal	50	70.4(b)	F & W	\$150.00
Fish hatchery, each unauthorized specimen taken (or attempt)	50	70.4(b)	F & W	\$25.00
Fish hatchery, unauthorized taking (or attempt) of any animal	50	70.4(c)	F & W	\$150.00
Fish hatchery, each unauthorized specimen taken (or attempt)	50	70.4(c)	F & W	\$25.00
Fish hatchery, disturbing spawning fish	50	70.4(d)	F & W	\$250.00
Fish hatchery, violation of 50 CFR 26, as they pertain to Wildlife Refuges	50	70.6	F & W	same amounts as listed for violation of 50 CFR 26
Hunting, without federal duck stamp	16 USC	718a	F & W	\$75.00
Hunting, with invalid federal duck stamp	16 USC	718b	F & W	\$50.00
Hunting, loan of federal duck stamp to another	16 USC	718e(a)	F & W	\$75.00