

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1562, L.D. 2200, Bill, "An Act to Prevent the Poaching of Aquaculture Products"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 12 MRSA §6073, sub-§2-A is enacted to read:

2-A. Cultchless American oysters; possession. Prior to the point of retail sale, a person may not possess a cultchless American oyster grown in the State unless that person:

A. Is a grower licensed under section 6863, an employee of a licensed grower or an agent of a licensed grower; or

B. Is in the possession of a bill of sale or a bill of lading that includes the license number of the grower.

Sec. 2. 12 MRSA §6863 is enacted to read:

§6863. Cultchless American oyster growers license

A person may not grow cultchless American oysters in the State unless licensed under this section.

1. Definitions. For the purposes of this Part, the term "cultchless" means the absence of foreign material or the absence of a scar at the shell hinge and the term "American oyster" means the genus and species Crassostrea virginica.

2. License. The commissioner shall determine the criteria for a cultchless American oyster growers license.

3. Fee. The annual fee for a cultchless American oyster growers license is \$10.'

Further amend the bill by inserting after the emergency clause and before the statement of fact the following:

FISCAL NOTE

Establishing a cultchless American oyster growers license with an annual fee of \$10 will increase General Fund revenue by a minor amount. Costs associated with enforcement and the issuance of the license can be absorbed by the Department of Marine Resources utilizing existing budgeted resources.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines will increase General Fund revenue by a minor amount.

Sentences imposed for Class D offenses must be served in a county jail facility. The additional costs to the counties for housing each person sentenced under this new crime will require full funding by the State as a state mandate pursuant to the Maine Revised Statutes, Title 30-A, section 5684. The General Fund appropriations required to fund these costs can not be estimated at this time. The cost per sentence for a Class D crime is \$7,140 based upon an average length of stay of 119 days.'

STATEMENT OF FACT

This amendment replaces the entire bill. The amendment establishes a cultchless American oyster growers license at an annual fee of \$10. The amendment also makes the possession of a cultchless American oyster prior to the point of retail sale a Class D crime, subject to a penalty of not less than \$1,000, unless the person possessing the oyster is either a licensed grower, employed by a licensed grower or in the possession of a bill of sale that includes the license number of the grower.