

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 117, L.D. 158, Bill, "An Act to Change the Scallop Harvesting Season"

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

'Sec. 1. 12 MRSA §6956 is enacted to read:

§6956. Diver's down flag required

A person licensed to harvest a marine species by hand must display a diver's down flag when using a self-contained underwater breathing apparatus to harvest that species. For the purpose of this section, "diver's down flag" means a red flag measuring at least 12 inches by 15 inches with a white diagonal stripe.

FISCAL NOTE

This bill establishes a new Class D crime. Sentences imposed for Class D offenses must be served in a county jail. The average cost per sentence for a Class D crime is \$7,439 based on an average length of stay of 119 days. The additional costs to the counties for the housing of each offender sentenced under this new crime will not require reimbursement by the State.

The Judicial Department may require additional General Fund appropriations to cover indigent defense costs related to these new cases. The amounts can not be estimated at this time. The additional workload and administrative costs associated with the

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2 minimal number of new cases filed in the court system can be
absorbed within the budgeted resources of the Judicial
4 Department's administrative account. The collection of
additional fines may also increase General Fund revenues by a
6 minor amount.

8 The Department of Marine Resources will incur some minor
additional costs to enforce the requirement for a diver's down
10 flag while harvesting marine species by hand. These costs can be
absorbed within the department's existing budgeted resources.'

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14 **STATEMENT OF FACT**

16 This amendment replaces the bill. The amendment requires a
18 diver harvesting marine species by hand to display a "diver's
down flag" when using scuba gear to harvest that species. The
20 amendment also adds a fiscal note to the bill.

Reported by the Committee on Marine Resources.
Reproduced and distributed under the direction of the Clerk of the House.
(4/13/93) (Filing No. H-146)