MAINE STATE LEGISLATURE

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2	(Filing No. H- 353)
4	(liling No. II- 0-1)
6 .	STATE OF MAINE
8	HOUSE OF REPRESENTATIVES 116TH LEGISLATURE
10	FIRST REGULAR SESSION
12	COMMITTEE AMENDMENT " to H.P. 773, L.D. 1046, Bill, "Ar
14	Act Revising the Shellfish-harvesting Laws"
16	Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its
18	place the following:
20	'Sec. 1. 12 MRSA §6601, sub-§7 is enacted to read:
22	7. Penalty. Notwithstanding the provisions of Title 17-A, section 4-B, a person who violates this section commits a crime
24	punishable by:
26	A. For the first offense, a fine of not less than \$300 and not more than \$1,500; and
28	B. For subsequent offenses, a fine of not less than \$500
30	and not more than \$1,500.
32	The court may not suspend a fine imposed under this subsection.
34	Sec. 2. 12 MRSA §6621, sub-§4 is enacted to read:
36	4. Penalty. Notwithstanding the provisions of Title 17-A, section 4-B, a person who violates this section commits a crime
38	punishable by:
40	A. For the first offense, a fine of not less than \$300 and not more than \$1,500; and
42	D. Ban subsequent offenses a fine of not less than \$500
44	B. For subsequent offenses, a fine of not less than \$500 and not more than \$1,500.

COMMITTEE	AMENDMENT	A	to	н.Р.	773,	L.D.	1046

	Sec. 3. 12 MRSA §6671, sub-§9, as repealed and replaced by PL
2	1991, c. 29, is repealed.
4	Sec. 4. 12 MRSA §6671, sub-§10 is enacted to read:
6	10. Penalty. Notwithstanding Title 17-A, section 4-B, a person who violates a provision of a municipal ordinance adopted
8	under this section commits a crime punishable by the following fines:
10	A. For harvesting shellfish from a closed area or digging
12	shellfish without a license:
14	(1) For the first offense, a fine of not less than \$300 and not more than \$1,500; and
16 18	(2) For subsequent offenses, a fine of not less than \$500 and not more than \$1,500.
20	The court may not suspend a fine imposed under this
22	paragraph; or
24	B. For violating any other provision of a municipal ordinance adopted under this section, a fine of not less
26	than \$100 and not more than \$1,000.
28	A fine for a violation of article 5 must be as provided by section 6681.
30	Sec. 5. 12 MRSA §6681, sub-§6, as amended by PL 1985, c. 737, Pt. A, §30, is repealed.
32	Sec. 6. 12 MRSA §6681, sub-§6-A is enacted to read:
34	6-A. Penalty. Notwithstanding the provisions of Title
36	17-A, section 4-B, a person who violates this article commits a crime punishable by the following fines:
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40	A. For possession of a bulk pile of shellfish of which 20% or more of the shellfish are smaller than the minimum size established in subsection 3:
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44	(1) For the first offense, a fine of not less than \$300 and not more than \$1,000; and
46	(2) For subsequent offenses, a fine of not less than \$500 and not more than \$1,000.
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50	The court may not suspend a fine imposed under this paragraph; or

B. For possession of a bulk pile of shellfish of which more than 10% but less than 20% of the shellfish are smaller than the minimum size established in subsection 3, a fine not less than \$100 and not more than \$1,000.

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FISCAL NOTE

The increasing of minimum fines and the prohibition from suspending fines for subsequent offenses will increase General Fund revenues. The amounts can not be determined at this time. The additional collection costs incurred by the court system can be absorbed within the existing budgeted resources of the Judicial Department.'

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STATEMENT OF FACT

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This amendment replaces the bill. The amendment establishes a new minimum fine for harvesting shellfish in closed areas and for digging shellfish without a license. The new minimum fine, which may not be suspended by the courts and which is applicable to violations enforced under state law and violations enforced under municipal shellfish-harvesting ordinances, is set at \$300 for a first offense and \$500 for subsequent offenses. The existing minimum fine of \$100 is retained for all other violations of municipal shellfish-harvesting ordinances.

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The amendment also establishes a new minimum fine for harvesting or possessing a bulk pile of shellfish that consists of more than 20% short clams. The new minimum fine, which may not be suspended by the courts, is \$300 for a first offense and \$500 for subsequent offenses. The existing minimum fine of \$100 is retained for bulk piles consisting of more than 10% but less than 20% short clams.

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The amendment also adds a fiscal note.

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Reported by the Committee on Marine Resources
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