

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 1046

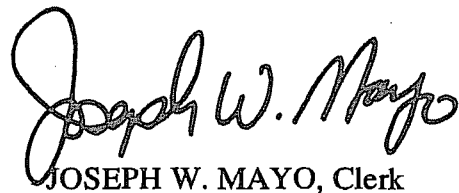
H.P. 773

House of Representatives, March 29, 1993

**An Act Revising the Shellfish-harvesting Laws.**

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Reference to the Committee on Marine Resources suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative RYDELL of Brunswick.

Cosponsored by Representatives: COLES of Harpswell, HOLT of Bath, KERR of Old Orchard Beach, PFEIFFER of Brunswick, Senator: HARRIMAN of Cumberland.

2                    **Be it enacted by the People of the State of Maine as follows:**

4                    **Sec. 1.** 12 MRSA §6671, sub-§9, as repealed and replaced by PL  
6                    1991, c. 29, is repealed.

8                    **Sec. 2.** 12 MRSA §6671, sub-§9-A is enacted to read:

10                   **9-A. Penalty. Notwithstanding Title 17-A, section 4-B:**

12                   **A. A person who takes or possesses shellfish in violation  
14                   of a municipal ordinance adopted under this section commits  
16                   a crime punishable by:**

18                           **(1) For the first offense, a fine not less than \$100  
20                   and not more than \$1,000; and**

22                           **(2) For subsequent offenses, a fine not less than \$500  
24                   and not more than \$1,000. The court may not suspend a  
26                   fine imposed under this subparagraph; and**

28                           **B. Notwithstanding paragraph A, the fine for taking  
30                   shellfish from a closed area or for digging shellfish  
32                   without a license may not be less than \$500 and not more  
34                   \$1,500. The court may not suspend a fine imposed under this  
36                   paragraph.**

**A fine for a violation of article 5 must be as provided by  
                         section 6681.**

**STATEMENT OF FACT**

**This bill changes the penalty provisions applicable to  
violations of municipal shellfish-harvesting ordinances by  
increasing the minimum fine for subsequent offenses from \$100 to  
\$500 and prohibiting the court from suspending the fine for  
subsequent offenses.**