

MAINE STATE LEGISLATURE

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DATE: 3/1/94

(Filing No. H-771)

MARINE RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1180, L.D. 1578, Bill, "An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps"

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, §6402, as enacted by PL 1977, c. 661, §5, is amended to read:

§6402. Suspension based on conviction of molesting

The commissioner shall suspend the lobster and crab fishing license of any a license holder convicted in court of violating section 6434. This suspension shall-be is for 3 years from the date of conviction.

1. Convictions for cutting lobster trap lines. A person convicted under section 6434 of molesting lobster gear by cutting a lobster trap line shall, upon making full payment as ordered by the court under section 6434, subsection 4, paragraph A, provide the commissioner with proof of that payment. If the commissioner does not receive that proof within 3 years after the date of conviction, the commissioner shall continue that license suspension until such time as that proof is received.

Sec. 2. 12 MRSA §6434, sub-§4 is enacted to read:

4. Additional penalty. If the holder of a lobster and crab fishing license violates this section by cutting a lobster trap line, the court shall:

2 A. Order that person to pay to the owner of the trap line
3 that was cut an amount equal to twice the replacement value
4 of all traps lost as a result of that cutting; and

6 B. Direct that person to provide proof of payment of that
7 restitution to the Commissioner of Marine Resources as
8 required by section 6402, subsection 1.

10 A penalty imposed under this subsection is in addition to any
11 penalty imposed under section 6204.

12 **FISCAL NOTE**

14 The possible increase in the duration of license suspensions
16 may result in insignificant reductions of General Fund revenue
18 from fishing licenses administered by the Department of Marine
Resources.

20 The additional workload and administrative costs associated
22 with the new requirements on the court system can be absorbed
24 within the existing budgeted resources of the Judicial
Department.'

26 **STATEMENT OF FACT**

28 This amendment replaces the bill.

30 Under this amendment, a person holding a lobster and crab
32 fishing license who is convicted of molesting lobster gear by
34 cutting a lobster trap line will be required to pay restitution
to the owner of those traps in an amount equal to twice the
replacement value of all traps lost as a result of the cutting.

36 The amendment also requires the convicted person to provide
38 proof of payment to the Commissioner of Marine Resources upon
40 payment of that restitution. If that proof is not received
42 within the existing mandatory 3-year license suspension period,
the commissioner is required to continue the license suspension
of that person until that person provides proof of full payment
of restitution.