

# MAINE STATE LEGISLATURE

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L.D. 1612

DATE: 2/14/94

(Filing No. H- 735 )

MARINE RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1204, L.D. 1612, Bill, "An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease"

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 §6957 is enacted to read:

§6957. Fishing near floating equipment

1. Prohibition. A person may not operate a vessel using drags, otter trawls, pair trawls, beam trawls, scottish seines or midwater trawls to fish for or take finfish, shellfish, sea urchins or any other marine organisms within 500 feet of any suspended culture floating cages, tray racks or other floating equipment authorized in a lease issued by the commissioner under section 6072.

2. Penalty. A violation of this section is a Class D crime, except that, notwithstanding Title 17-A, section 1301, the minimum fine is \$500 and may not be suspended.

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 \$8,320 based upon an average length of stay of 119 days. The additional costs to the counties for the housing of each offender sentenced under this new Class D crime are not reimbursed by the State.

COMMITTEE AMENDMENT

R.S.

COMMITTEE AMENDMENT "A" to H.P. 1204, L.D. 1612

2 The Judicial Department may require additional General Fund  
3 appropriations to cover indigent defense costs related to these  
4 new cases. The amounts can not be estimated at this time. The  
5 additional workload and administrative costs associated with the  
6 minimal number of new cases filed in the court system can be  
7 absorbed within the budgeted resources of the Judicial  
8 Department's administrative account. The collection of  
9 additional fines may also increase General Fund revenue by a  
10 minor amount.

11 The additional enforcement costs can be absorbed by the  
12 Department of Marine Resources utilizing existing budgeted  
13 resources.

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**STATEMENT OF FACT**

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This amendment prohibits the use of drags and trawls within  
500 feet of cages, racks or other equipment used for the  
suspended culture of finfish or the suspended culture of  
shellfish. A minimum fine, which may not be suspended, is  
established at \$500.