

MAINE STATE LEGISLATURE

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MARINE RESOURCES

Reported by: Senator GOLDTHWAIT of Hancock for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 268, L.D. 719, Bill, "An Act to Change the Restricted Area around Aquaculture Pens from 500 to 300 Feet"

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 §6402-C is enacted to read:

§6402-C. Suspension based on 2 or more convictions of dragging within the prohibited area surrounding aquaculture operations

For any person convicted of a 2nd or subsequent offense of section 6957, subsection 1, the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of the violation. The suspension is for 5 years from the date of conviction.

Sec. 2. 12 MRSA §6957, as enacted by PL 1993, c. 723, §1, is amended 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 500 300 feet of any suspended culture floating cages, tray racks or other floating

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2 equipment authorized in a lease issued by the commissioner under
3 section 6072, if the equipment is marked in accordance with
4 subsection 1-A.

6 1-A. Markings. The owner of a suspended culture floating
7 cage, tray rack or other floating equipment shall mark the area
8 in which a vessel is prohibited under subsection 1 with at least
9 4 anchors, each marked by a yellow buoy at least 2 feet in
10 diameter.

12 2. Penalty. A violation of this-section subsection 1 is a
13 Class D crime, except that, notwithstanding Title 17-A, section
14 1301, the court shall impose a minimum fine is-\$500-and of \$1,000
15 that may not be suspended.'

16 Further amend the bill by inserting at the end before the
17 statement of fact the following:

18 **FISCAL NOTE**

20 This bill may increase prosecutions for Class D crimes. If
21 a jail sentence is imposed, the additional costs to the counties
22 are estimated to be \$83.22 per day per prisoner. These costs are
23 not reimbursed by the State. The number of prosecutions that may
24 result in a jail sentence and the resulting costs to the county
25 jail system are expected to be insignificant.

28 The additional workload, administrative costs and indigent
29 defense costs associated with the minimal number of new cases
30 filed in the court system can be absorbed within the budgeted
31 resources of the Judicial Department. The collection of
32 additional fines may also increase General Fund revenue by minor
33 amounts.

34 The additional enforcement costs can be absorbed by the
35 Department of Marine Resources utilizing existing budgeted
36 resources.'

38 **STATEMENT OF FACT**

40 This amendment replaces the original bill. It reduces from
41 500 feet to 300 feet the distance from an aquaculture operation
42 in which a person may not operate a vessel using drags, otter
43 trawls, pair trawls, beam trawls, scottish seines or midwater
44 trawls. The amendment also requires the 300-foot area be marked
45 and states that, if the area is marked, violation of the 300-foot
46 restriction is a Class D crime. In addition, the amendment
47
48

COMMITTEE AMENDMENT

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2 increases the fine for a violation of the distance limitation and
requires a 5-year license suspension for a 2nd offense.

4 The amendment also adds a fiscal note.