

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DATE: May 11, 1995

(Filing No. S- 138 )

**MARINE RESOURCES**

Reported by: Senator GOLDTHWAIT of Hancock for the Committee.

Reproduced and distributed under the direction of the Secretary of the Senate.

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

COMMITTEE AMENDMENT " A" to S.P. 363, L.D. 989, Bill, "An Act to Further Restrict the Illegal Harvest of Cultivated Oysters"

Amend the bill in section 1 by striking out all of subsection 3 (page 1, lines 29 to 34 in L.D.) and inserting in its place the following:

'3. **Penalty.** Any person who violates subsection 2-A or who knowingly and willfully violates ~~this--section~~ subsection 2 is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A and 1301, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court.'

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

**FISCAL NOTE**

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

The additional workload, administrative costs and indigent defense costs associated with the minimal number of new cases

COMMITTEE AMENDMENT "A" to S.P. 363, L.D. 989

2 filed in the court system can be absorbed within the budgeted  
resources of the Judicial Department. The collection of  
4 additional fines may also increase General Fund revenue by minor  
amounts.'

6  
8 **STATEMENT OF FACT**

10 The original bill would have eliminated the knowingly and  
willfully standard from all violations of the Maine Revised  
Statutes, Title 12, section 6073.

12 The amendment eliminates the knowingly and willfully  
14 standard from violations pertaining to illegal possession of  
cultchless American oysters. It leaves the standard to apply to  
16 the interference of rights provided in an aquaculture lease.

18 The amendment also adds a fiscal note to the bill.