

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 989

S.P. 363

In Senate, March 28, 1995

**An Act to Further Restrict the Illegal Harvest of Cultivated Oysters.**

(EMERGENCY)

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

*May M. Cross*

Presented by Senator GOLDTHWAIT of Hancock.

Cosponsored by Representatives: BIGL of Bucksport, CLOUTIER of South Portland, RICE of South Bristol.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
          Whereas, previous acts of the Legislature sought to prevent  
6           the poaching of aquaculture products; and

8           Whereas, these acts have imposed too high a standard for  
conviction; and

10  
          Whereas, this standard has worked to prevent the successful  
12           prosecution of poachers of aquaculture products and has resulted  
in the loss of property and income; and

14  
          Whereas, this loss is an ongoing problem that requires  
16           immediate action; and

18           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
20           Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
22           safety; now, therefore,

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

26           **Sec. 1. 12 MRSA §6073, sub-§3,** as enacted by PL 1991, c. 284,  
is amended to read:

28  
          **3. Penalty.** Any person who ~~knowingly--and--willfully~~  
30           violates this section is guilty of a Class D crime, except that,  
notwithstanding Title 17-A, sections 4-A and 1301, the court  
32           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  
34           court.

36           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

38  
40                                                                                   **STATEMENT OF FACT**

42           This bill removes the requirement that a person acted  
"knowingly and willfully" from the provisions imposing a penalty  
44           for illegal harvesting of cultivated oysters.