

MAINE STATE LEGISLATURE

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MAJORITY
MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 361, L.D. 506, Bill, "An Act to Provide Authority to Close Marine Waters to Fishing in the Event of Contamination"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 12 MRSA §6172, sub-§1-A is enacted to read:

1-A. Federal waters. The commissioner may adopt rules establishing standards for closing waters under the jurisdiction of the Federal Government to the harvesting of a marine organism that the commissioner determines is or may become contaminated or polluted. The commissioner may, in accordance with standards adopted under this subsection, by rule close waters under the jurisdiction of the Federal Government to the harvesting of a marine organism when the commissioner determines the organism is or may become contaminated or polluted. Rules adopted pursuant to this subsection must be in conformance with applicable federal law and regulations. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.'

Further amend the bill by inserting at the end before the summary 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 \$83.78 per day per prisoner. These costs are

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2 not reimbursed by the State. The number of prosecutions that may
3 result in a jail sentence and the resulting costs to the county
4 jail system are expected to be insignificant.

5 The additional workload, administrative costs and indigent
6 defense costs associated with the minimal number of new cases
7 filed in the court system can be absorbed within the budgeted
8 resources of the Judicial Department. The collection of
9 additional fines may also increase General Fund revenue by minor
10 amounts.

11 The additional enforcement costs can be absorbed by the
12 Department of Marine Resources utilizing existing budgeted
13 resources. The department will also incur some minor additional
14 costs to adopt certain rules pertaining to the contamination of
15 federal waters. These costs can be absorbed within the
16 department's existing budgeted resources.

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19
20 **SUMMARY**

21 The amendment replaces the bill. It authorizes the
22 Commissioner of Marine Resources to close federal waters to the
23 harvesting of marine organisms when the commissioner determines
24 the organisms may become contaminated or polluted. The closures
25 of federal waters may only be done in accordance with authority
26 granted through application of federal rules and regulations.