

	L.D. 1478
2	DATE: March 10, 1998 (Filing No. S-493)
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6	MARINE RESOURCES
8	Reported by:
10	Reproduced and distributed under the direction of the Secretary of the Senate.
12	STATE OF MAINE
14	SENATE 118TH LEGISLATURE
16	SECOND REGULAR SESSION
18	COMMITTEE AMENDMENT " A " to S.P. 476, L.D. 1478, Bill, "An
20	Act to Decriminalize Various Marine Resource Violations and Enhance Collectibility of Associated Penalties"
22	Amend the bill by striking out the title and substituting
24	the following:
26	'An Act to Clarify Various Marine Resources Violations and Enhance the Collectibility of Associated Penalties'
28	Further amend the bill by striking out everything after the
30 32	enacting clause and before the summary and inserting in its place the following:
34	'Sec. 1. 12 MRSA §6621, sub-§4, as enacted by PL 1993, c. 281, §2, is amended to read:
36	4. Penalty. Netwithstanding-the-provisions-of-Title-17-A,
38	seetion-4-B _r -a <u>A</u> person who violates this seetion <u>article</u> commits a <u>Class D</u> crime punishable-by. The following minimum penalties
40	apply:
42	A. For the first offense, a fine of not less than \$300 and net-mere-than-\$1,500; and
44	B. For subsequent offenses <u>within 10 years from the date of</u> <u>conviction for the first violation</u> , a fine of not less than
46	\$500 and-net-mere-than-\$1,500.
48	The court may not suspend a fine imposed under this subsection.
50	Sec. 2. 12 MRSA §6681, sub-§6-A, as enacted by PL 1993, c. 281, §6, is amended to read:

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Page 1-LR1603(2)

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 476, L.D. 1478

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 6-A. Penalty. Netwithstanding-the-provisions-of-Title 17-Ar-section-4-Br-a A person who violates this article commits a
 Class D crime punishable-by-the-following-fines. The following minimum penalties apply:

> A. For possession of a bulk pile of shellfish of which 20% or more of the shellfish are smaller than the minimum size established in subsection 3:

(1) For the first offense, a fine of not less than
\$300 and-net-mere-than-\$1,000; and

14 (2) For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500 and-net-mere-than-\$1,000.

18 The court may not suspend a fine imposed under this paragraph; er and

B. For possession of a bulk pile of shellfish of which more
than 10% but less than 20% of the shellfish are smaller than the minimum size established in subsection 3, a fine not
less than \$100 and not more than \$1,000.'

SUMMARY

This amendment strikes the bill. It clarifies that a 30 violation of the State's soft-shell clam management provisions is a Class D crime. It removes the maximum amount that a person may 32 be fined for a violation. It also clarifies that greater penalties for violations committed after the first violation of 34 the State's soft-shell management provisions apply for a period of 10 years from the date of conviction of the first violation.

Page 2-LR1603(2)

COMMITTEE AMENDMENT