

MAINE STATE LEGISLATURE

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DATE: 5-5-03

(Filing No. H-264)

MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1038, L.D. 1415, Bill, "An Act To Decriminalize Unlicensed Shellfish Digging"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 12 MRSA §6671, sub-§10, as amended by PL 1995, c. 75, §1, is further amended to read:

10. Criminal penalty. Notwithstanding Title 17-A, section 4-B, a person who violates a provision of a municipal ordinance adopted under this section commits a Class D crime punishable by the following fines:

A. For harvesting shellfish from a closed area or digging shellfish without a license:

(1) For the first offense, a fine of not less than \$300 and not more than \$1,500; and

(2) For subsequent offenses, a fine of not less than \$500 and not more than \$1,500.

The court may not suspend a fine imposed under this paragraph or impose a penalty other than the monetary payment of a fine as provided in this paragraph; or

B. For violating any other provision of a municipal ordinance adopted under this section, a fine of not less than \$100 and not more than \$1,000.

COMMITTEE AMENDMENT "A" to H.P. 1038, L.D. 1415

A fine for a violation of article 5 must be as provided by section 6681.'

Further amend the bill in section 2 in subsection 10-A in the first line (page 1, line 33 in L.D.) by striking out the following: "Exception;" and inserting in its place the following: 'Civil'

SUMMARY

This amendment clarifies that harvesting shellfish from a closed area is a Class D crime. This amendment also allows for the maximum fine and period of incarceration possible under a Class D crime for harvesting shellfish in closed areas.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1415

An Act To Decriminalize Unlicensed Shellfish Digging

LR 1911(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Changes a Class D crime to a civil violation