

MAINE STATE LEGISLATURE

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Date: 4-1-09

MARINE RESOURCES

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 31, L.D. 82, Bill, "An Act To Create a Penalty for Harvesting Scallops in a Conservation Area"

Amend the bill in section 1 in §6404-G in the first paragraph in the 2nd line (page 1, line 6 in L.D.) by striking out the following: "convicted" and inserting the following: 'adjudicated' and in the 3rd line (page 1, line 7 in L.D.) by striking out the following: "conviction" and inserting the following: 'adjudication'

Amend the bill in section 2 by striking out all of §6626 by (page 1, lines 9 to 21 in L.D.) and inserting the following:

§6626. Scallop conservation areas

Notwithstanding section 6174, subsection 3, a person who violates a rule adopted pursuant to section 6171 regarding a scallop conservation area commits a civil violation for which the penalties under this section apply.

1. First offense. For the first offense, a fine of \$1,000 is imposed and all scallops on board may be seized.

2. Second or subsequent offense. For a 2nd or subsequent offense, a mandatory minimum fine of \$1,000 is imposed, all scallops on board may be seized and the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of violation. The court may not suspend a fine imposed under this paragraph. The license suspension must be for one year from the date of adjudication.'

SUMMARY

The amendment removes the requirement that a judge impose a \$1,000 fine for a person's first offense involving scallop conservation areas and sets a minimum fine of

COMMITTEE AMENDMENT

1 \$1,000 for subsequent offenses. The amendment also makes technical changes to the bill
2 regarding civil penalties and statutory references.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 82

LR 505(02)

An Act To Create a Penalty for Harvesting Scallops in a Conservation Area

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Marine Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

The collection of additional fines may increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of Marine Resources associated with this legislation can be absorbed within existing budgeted resources.