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Date: (Filing No. S-)

MARINE RESOURCES

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 93, L.D. 255, Bill, “An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest”

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

'Sec. 1. 12 MRSA §6674, as amended by PL 2009, c. 229, §18, is repealed and the following enacted in its place:

§6674. Interference with municipal shellfish aquaculture permit

1. Prohibition. A person may not knowingly interfere with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted to the permittee under that permit. Except for the permittee or the permittee's designee, a person may not take, disturb or molest any shellfish in the intertidal zone in the area that is included in a municipal shellfish aquaculture permit.

2. Penalty. A person who violates this section commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged.

3. Restitution. In addition to the penalty under subsection 2, if a person violates this section by interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted to that permittee under that permit, the court shall:

A. Order that person to pay to the holder of the municipal shellfish aquaculture permit an amount equal to twice the replacement value of any damaged equipment on the permit site; and

B. Direct that person to provide proof of payment of restitution under paragraph A to the commissioner.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill. Unlike the bill, it excludes the designee of a holder of a municipal shellfish aquaculture permit from potential liability for taking, disturbing or molesting any shellfish on the permit site. This amendment reduces the maximum penalty for a person who interferes with the ability of a permittee to carry out the privileges granted under the permit from \$2,000, as provided in the bill, to \$1,000 and provides restitution by that person to the permittee in an amount equal to twice the replacement value of any damaged equipment on the permit site.

FISCAL NOTE REQUIRED

(See attached)