

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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‘**Sec. 1. 12 MRSA §6674**, as amended by PL 2009, c. 229, §18, is repealed and the following enacted in its place: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

**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)**