

MAINE STATE LEGISLATURE

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**MINORITY
MARINE RESOURCES**

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "B" to H.P. 531, L.D. 722, Bill, "An Act to Amend the Laws Regarding Scallop Harvesting"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6722, as amended by PL 1983, c. 685, is further amended to read:

§6722. Closed areas

Unless modified by regulation adopted under section 6171-A, it is unlawful to fish for or take scallops in the coastal waters from April 16th to ~~October--31st~~ November 30th, both days inclusive.

Sec. 2. 12 MRSA §§6725 and 6726 are enacted to read:

§6725. Ring size

1. Minimum size. It is unlawful to utilize a drag to fish for or take scallops in the coastal waters with rings that measure less than:

A. From December 1, 1997 to April 15, 1999, 3 inches in diameter;

B. From December 1, 1999 to April 15, 2001, 3 1/4 inches in diameter; and

COMMITTEE AMENDMENT

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2 C. On December 1, 2001 and thereafter, 3 1/2 inches in diameter.

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4 2. Measurement of rings. Ring size is determined by measuring the shortest straight line passing through the center of the ring from one inside edge to the opposite inside edge of the ring. The measurement may not include links or normal welds from ring manufacturing. The rings measured must be at least 5 rings away from the mouth and at least 2 rings away from other rigid portions of the drag.

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12 3. Configuration of drag. The commissioner shall adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules initially adopted pursuant to this subsection must be identical to federal regulations in the Atlantic sea scallop fishery in effect on March 25, 1997 that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

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26 **§6726. Drag width**

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28 1. Opening month of season. It is unlawful from December 1st to December 31st for a person to possess on any vessel fishing for scallops in the coastal waters, or to utilize when fishing for or taking scallops in the coastal waters, a drag or any combination of drags that measures in excess of 5 feet, 6 inches across from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge.

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36 2. Remainder of season. It is unlawful from January 1st to April 15th for a person to possess on any vessel fishing for scallops in the coastal waters, or to utilize when fishing for or taking scallops in the coastal waters, a drag or any combination of drags that measures in excess of 10 feet, 6 inches across from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge.

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44 **Sec. 3. 12 MRSA §6954-B, as amended by PL 1995, c. 518, §1, is repealed.**

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48 **Sec. 4. 12 MRSA §6954-C is enacted to read:**

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50 **§6954-C. Drag limits north of international bridge, Lubec**

1. Gear requirements. It is unlawful to fish in the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada with any drag or combination of drags:

A. That measures in excess of 5 feet, 6 inches in width measuring from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge; and

B. If used for the taking of scallops, that is greater than 8 rings deep.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may increase prosecutions for Class D crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.78 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload, administrative costs and indigent defense costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.

The Department of Marine Resources will incur some minor additional costs to adopt certain rules pertaining to scallop harvesting. These costs and additional enforcement costs can be absorbed by the department utilizing existing budgeted resources.'

SUMMARY

The amendment is the minority report of the Joint Standing Committee on Marine Resources. It changes the scallop season to December 1st to April 15th from the current season of November 1st to April 15th. It phases in minimum ring sizes for scallop drags, with a minimum 3-inch ring diameter required starting December 1, 1997, a minimum 3-1/4-inch ring diameter required starting December 1, 1999, and a minimum 3-1/2-inch ring diameter required starting December 1, 2001. The amendment also requires the Commissioner of Marine Resources to adopt rules that limit

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2 the mesh size of net material on the top of a scallop drag,
3 prohibit chafing gear or cookies on the top of a scallop drag,
4 establish ring link restrictions for a scallop drag and prohibit
5 drag or net obstructions. The amendment limits scallop drag
6 width to 5 feet, 6 inches from December 1st to December 31st and
7 10 feet, 6 inches during the rest of the season. The amendment
8 also limits the width for all drags in Cobscook Bay and the Maine
9 waters of Passamaquoddy Bay to 5 feet, 6 inches. In addition,
10 any drag used for harvesting scallops in Cobscook Bay and the
11 Maine waters of Passamaquoddy Bay may not be greater than 8 rings
12 deep.