

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

M  
R.O.S.

STATE LAW LIBRARY  
AUGUSTA, MAINE

L.D. 81

DATE: **3-26-03**

(Filing No. H-**58**)

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

**MARINE RESOURCES**

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT "**A**" to H.P. 90, L.D. 81, Bill, "An Act to Increase the Minimum Ring Size of Legal Scallops"

Amend the bill by striking out the title and substituting the following:

**'An Act To Set the Minimum Legal Shell Size for Scallops'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 12 MRSA §6728, sub-§2**, as enacted by PL 2001, c. 192, §1, is repealed.

**Sec. 2. 12 MRSA §6729** is enacted to read:

**§6729. Shell size minimum**

1. Minimum shell size. Except as provided in subsection 4, this subsection governs the shell size limits of scallops.

A. From December 1, 2003 to November 30, 2004, a person may not possess, ship, transport, buy or sell scallops that are less than 3 3/4 inches in the longest diameter.

B. On December 1, 2004 and thereafter, a person may not possess, ship, transport, buy or sell scallops that are less than 4 inches in the longest diameter.

**COMMITTEE AMENDMENT**

R.018

2 2. Prima facie evidence. It is prima facie evidence of  
3 possession of illegal scallops if a vessel contains scallops less  
4 than the minimum shell size set by this section or the minimum  
5 shell size set by rules adopted pursuant to this section while a  
6 scallop boat license holder or crew member is shucking scallops.

7 3. Release of undersize scallops. Those scallops that are  
8 less than the minimum shell size established by this section or  
9 by rules adopted pursuant to this section must be immediately  
10 liberated into the waters from which they were taken.

11 4. Rules. After December 1, 2004, the commissioner may  
12 adopt rules to increase the minimum shell size set by this  
13 section. Rules adopted pursuant to this section are routine  
14 technical rules as defined in Title 5, chapter 375, subchapter  
15 2-A.

16 5. Violation. A person who violates this section commits a  
17 civil violation. The following penalties apply.

18 A. For the first offense, a fine of \$250 is imposed and all  
19 scallops on board may be seized.

20 B. For the 2nd and each subsequent offense, a fine of \$250  
21 is imposed, all scallops on board may be seized and the  
22 scallop boat license may be suspended for one year.'

28 **SUMMARY**

29 This amendment replaces the bill and changes the title.  
30 Beginning on December 1, 2003, the amendment sets a statewide  
31 minimum shell size for scallops of 3 3/4 inches, and on December  
32 1, 2004 it increases that minimum size to 4 inches. The  
33 amendment requires the immediate release of all scallops that do  
34 not meet the size requirements and provides for prima facie  
35 evidence of the possession of illegal scallops. It also provides  
36 the Commissioner of the Department of Marine Resources with the  
37 authority to increase the shell size minimum and makes violations  
38 of shell size restrictions civil violations.  
39

40 **FISCAL NOTE REQUIRED**  
41 **(See attached)**  
42

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

**LD 81**

**An Act to Increase the Minimum Ring Size of Legal Scallops**



**LR 0507(02)**

**Fiscal Note for Original Bill as Amended by Committee Amendment**

**Sponsor: Rep. Honey**

**Committee: Marine Resources**

**Fiscal Note Required: Yes**

---

**Fiscal Note**

Minor cost increase - General Fund

Minor revenue increase - General Fund

**Correctional and Judicial Impact Statements**

Establishes a new civil violation.