

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1415

H.P. 1038

House of Representatives, March 20, 2003

### **An Act To Decriminalize Unlicensed Shellfish Digging**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BULL of Freeport.

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

4 **Sec. 1. 12 MRSA §6671, sub-§10**, as amended by PL 1995, c. 75,  
5 §1, is further amended to read:

6 **10. Penalty.** Notwithstanding Title 17-A, section 4-B, a  
7 person who violates a provision of a municipal ordinance adopted  
8 under this section commits a Class D crime punishable by the  
9 following fines:

10 A. For harvesting shellfish from a closed area ~~or digging~~  
11 ~~shellfish-without-a-license~~:

12 (1) For the first offense, a fine of not less than  
13 \$300 and not more than \$1,500; and

14 (2) For subsequent offenses, a fine of not less than  
15 \$500 and not more than \$1,500.

16 The court may not suspend a fine imposed under this  
17 paragraph or impose a penalty other than the monetary  
18 payment of a fine as provided in this paragraph; or

19 B. For violating any other provision of a municipal  
20 ordinance adopted under this section, a fine of not less  
21 than \$100 and not more than \$1,000.

22 A fine for a violation of article 5 must be as provided by  
23 section 6681.

24 **Sec. 2. 12 MRSA §6671, sub-§10-A** is enacted to read:

25 **10-A. Exception; penalty.** A person who digs for shellfish  
26 without a municipal shellfish license commits a civil violation  
27 for which a fine of not less than \$100 nor more than \$500 may be  
28 adjudged.

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31 **SUMMARY**

32 This bill changes digging shellfish without a municipal  
33 shellfish license from a criminal to a civil violation and  
34 imposes a fine of not less than \$100 nor more than \$500 for the  
35 offense.  
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