

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1184

S.P. 412

In Senate, March 8, 2005

An Act To Adopt Recommendations of the Soft-shell Clam Advisory Council

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.
Cosponsored by Representative SMITH of Monmouth and
Representatives: ADAMS of Portland, ASH of Belfast, EDER of Portland, FLETCHER of
Winslow, KAELIN of Winterport, PERCY of Phippsburg.

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

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4 **Sec. 1. 12 MRSA §6671, sub-§8, ¶C**, as amended by PL 2001, c. 188, §8, is further amended to read:

6 C. A certified municipal shellfish conservation warden shall enforce the shellfish ordinances of the municipality employing the warden and, if the warden is authorized by the municipality and meets the training requirements of Title 10, section 2804-I, the warden may arrest all violators. The warden may serve all process pertaining to the ordinance. The warden also has, within that warden's jurisdiction, the powers of a marine patrol officer provided in section 6025, subsection 4 and the authority to enforce section 6621. All of the powers conferred in this subsection are limited to the enforcement of a municipal shellfish conservation ordinance and section 6621.

18 At the commissioner's request, a certified municipal shellfish conservation warden may collect samples and otherwise assist the department in the detection of pollutants and contaminants. The commissioner is not required to conduct tests on samples not requested by the commissioner.

26 **Sec. 2. 12 MRSA §6671, sub-§10, ¶¶A and B**, as amended by PL 2003, c. 284, §1, are further amended to read:

28 A. For harvesting shellfish from a an area closed area for conservation purposes:

30 (1) For the first offense by a commercial harvester, a fine of not less than \$300; and

32 (2) For subsequent offenses by a commercial harvester, a fine of not less than \$500, and not more than \$1,500;

34 (3) For the first offense by a recreational harvester, a fine of not less than \$100; and

36 (4) For subsequent offenses by a recreational harvester, a fine of not less than \$100 and not more than \$500.

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

40 B. For violating any other provision of a municipal ordinance adopted under this section, a fine of not less

