

# MAINE STATE LEGISLATURE

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M  
A.S.

L.D. 1980

Date: 3-19-08

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**MARINE RESOURCES**

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**STATE OF MAINE  
SENATE  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 774, L.D. 1980, Bill, "An Act To Preserve the Cobscook Bay Scallop Fishery"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 12 MRSA §6701, sub-§7** is enacted to read:

7. Violation in Cobscook Bay. Notwithstanding subsection 6, a person who violates this section in Cobscook Bay commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

**Sec. 2. 12 MRSA §6702, sub-§7** is enacted to read:

7. Violation in Cobscook Bay. Notwithstanding subsection 6, a person who violates this section in Cobscook Bay commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

**COMMITTEE AMENDMENT**

H. 013

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1 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
2 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
3 addition to the penalty imposed under section 6728-B.

4 **Sec. 3. 12 MRSA §6703, sub-§6** is enacted to read:

5 **6. Violation in Cobscook Bay.** Notwithstanding subsection 5, a person who  
6 violates this section in Cobscook Bay commits a civil violation for which the following  
7 penalties apply:

8 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on  
9 board may be seized;

10 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on  
11 board may be seized; and

12 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
13 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
14 addition to the penalty imposed under section 6728-B.

15 **Sec. 4. 12 MRSA §6721-A, sub-§6** is enacted to read:

16 **6. Violation in Cobscook Bay.** Notwithstanding section 6174 and subsection 5, a  
17 person who violates this section in Cobscook Bay commits a civil violation for which the  
18 following penalties apply:

19 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on  
20 board may be seized;

21 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on  
22 board may be seized; and

23 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
24 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
25 addition to the penalty imposed under section 6728-B.

26 **Sec. 5. 12 MRSA §6722**, as amended by PL 2001, c. 272, §14, is repealed and the  
27 following enacted in its place:

28 **§6722. Scallop season**

29 **1. Scallop fishing season.** Unless modified by rules adopted under section 6171-A,  
30 a person may not fish for or take scallops in the territorial waters from April 16th to  
31 November 30th, both days inclusive.

32 **2. Violation in Cobscook Bay.** Notwithstanding section 6174, a person who  
33 violates this section in Cobscook Bay commits a civil violation for which the following  
34 penalties apply:

35 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on  
36 board may be seized;

37 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on  
38 board may be seized; and

R. 015

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1 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
2 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
3 addition to the penalty imposed under section 6728-B.

4 **Sec. 6. 12 MRSA §6725**, as enacted by PL 1977, c. 661, §5, is repealed and the  
5 following enacted in its place:

6 **§6725. Possession of illegal scallops**

7 **1. Prohibition.** A person may not possess, ship, transport, buy or sell scallops taken  
8 in violation of this subchapter.

9 **2. Violation in Cobscook Bay.** Notwithstanding section 6174, a person who  
10 violates this section in Cobscook Bay commits a civil violation for which the following  
11 penalties apply:

12 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on  
13 board may be seized;

14 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on  
15 board may be seized; and

16 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
17 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
18 addition to the penalty imposed under section 6728-B.

19 **Sec. 7. 12 MRSA §6726, sub-§4** is enacted to read:

20 **4. Violation in Cobscook Bay.** Notwithstanding section 6174, a person who  
21 violates this section in Cobscook Bay commits a civil violation for which the following  
22 penalties apply:

23 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on  
24 board may be seized;

25 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on  
26 board may be seized; and

27 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
28 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
29 addition to the penalty imposed under section 6728-B.

30 **Sec. 8. 12 MRSA §6728, sub-§1**, as enacted by PL 2001, c. 192, §1, is amended  
31 to read:

32 **1. Daily limit; rules.** In the coastal waters northerly and inshore of the international  
33 bridge that connects Lubec to Campobello Island, New Brunswick, Canada, ~~it is unlawful~~  
34 ~~to a person may not~~ fish for, take or possess more than 15 gallons of scallop meat per day.  
35 Under this subsection ~~it is unlawful to a person may not~~ unload any portion of a day's  
36 catch and return to fishing. The department shall establish by rule a bushel limit of  
37 shellstock that is equivalent to 15 gallons of meat. The department shall also establish by  
38 rule a method to allow harvesters to land and possess scallops in Cobscook Bay that are  
39 taken outside the area defined in this subsection. Rules adopted pursuant to this

**COMMITTEE AMENDMENT**

1 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter H-A  
2 2-A.

3 **Sec. 9. 12 MRSA §6728, sub-§3**, as enacted by PL 2001, c. 192, §1, is repealed  
4 and the following enacted in its place:

5 **3. Violation.** Notwithstanding section 6174, a person who violates this section  
6 commits a civil violation for which the following penalties apply:

7 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on  
8 board may be seized;

9 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on  
10 board may be seized; and

11 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
12 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
13 addition to the penalty imposed under section 6728-B.

14 **Sec. 10. 12 MRSA §6728-B** is enacted to read:

15 **§6728-B. Habitual violations in Cobscook Bay**

16 The commissioner shall suspend the hand fishing scallop license or other license  
17 issued under this Part authorizing the taking of scallops of any license holder adjudicated  
18 or convicted in court of a 3rd or subsequent violation of this subchapter in Cobscook Bay.  
19 The suspension must be for at least one year from the date of conviction and may be up to  
20 3 years.

21 **Sec. 11. 12 MRSA §6954-C, sub-§2** is enacted to read:

22 **2. Violation.** Notwithstanding section 6174, a person who violates this section  
23 commits a civil violation for which the following penalties apply:

24 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on  
25 board may be seized;

26 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on  
27 board may be seized; and

28 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all  
29 scallops on board may be seized. The penalty imposed pursuant to this paragraph is in  
30 addition to the penalty imposed under section 6728-B.'

31 **SUMMARY**

32 This amendment replaces the bill to conform its contents to the work of the Maine  
33 Criminal Justice Information System Policy Board to create a one-to-one relationship  
34 between each violation and a unique statutory citation.



# 123rd MAINE LEGISLATURE

LD 1980

LR 3214(02)

An Act To Preserve the Cobscook Bay Scallop Fishery

Fiscal Note for Bill as Amended by Committee Amendment "A"  
Committee: Marine Resources  
Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

The collection of additional fines for scallop violations may increase General Fund revenue by minor amounts.

### Fiscal Detail and Notes

Additional costs to the Department of Marine Resources can be absorbed within existing budgeted resources.