

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)



123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 1980

S.P. 774

December 18, 2007

An Act To Preserve the Cobscook Bay Scallop Fishery

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 18, 2007. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 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 PERCY of Phippsburg and Senators: President EDMONDS of Cumberland, RAYE of Washington, Representatives: ADAMS of Portland, EMERY of Cutler, KOFFMAN of Bar Harbor, MacDONALD of Boothbay, MAZUREK of Rockland, PRATT of Eddington.

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

2 **Sec. 1. 12 MRSA §6404-F** is enacted to read:

3 **§6404-F. Suspension based on 3 or more convictions of the scallop fishing laws in**
4 **Cobscook Bay**

5 The commissioner shall suspend the hand fishing scallop license or other license
6 issued under this Part authorizing the taking of scallops of any license holder convicted in
7 court of a 3rd or subsequent violation of chapter 623, subchapter 2 in Cobscook Bay. The
8 suspension must be for at least one year from the date of conviction and may be up to 3
9 years.

10 **Sec. 2. 12 MRSA §6728, sub-§3**, as enacted by PL 2001, c. 192, §1, is repealed.

11 **Sec. 3. 12 MRSA §6728-B** is enacted to read:

12 **§6728-B. Penalties for violation of the scallop fishing laws in Cobscook Bay**

13 **1. Violation.** A person who violates any provision of this subchapter in Cobscook
14 Bay commits a civil violation. Notwithstanding any other provisions in this subchapter,
15 the following penalties apply:

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

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

20 C. For each subsequent offense, a mandatory fine of \$750 is imposed and all scallops
21 on board may be seized. This penalty is imposed in addition to the penalty imposed
22 under section 6404-F.

23 **SUMMARY**

24 This bill requires the suspension of a person's scallop fishing license if that person is
25 convicted of 3 or more violations of the scallop fishing laws in Cobscook Bay. The bill
26 also establishes mandatory fines and allows for the seizure of all scallops on board for
27 violations of the scallop fishing laws in Cobscook Bay.