

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 82

S.P. 31

January 13, 2009

An Act To Create a Penalty for Harvesting Scallops in a Conservation Area

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
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.

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

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

3 **§6404-G. Suspension based on 2 or more convictions of scallop fishing in a conservation**
4 **area**

5 The commissioner shall suspend the license authorizing the activity in which the person
6 was engaged at the time of the violation for any person convicted of a 2nd or subsequent
7 violation of section 6626. The suspension must be for one year from the date of conviction.

8 **Sec. 2. 12 MRSA §6626** is enacted to read:

9 **§6626. Scallop conservation areas**

10 **1. Rules.** Pursuant to section 6171, the commissioner may adopt rules creating scallop
11 conservation areas.

12 **2. Violations.** Notwithstanding section 6174, subsection 3, a person who violates a rule
13 adopted pursuant to this section commits a civil violation for which the penalties under this
14 subsection apply.

15 A. For the first offense, a mandatory fine of \$1,000 is imposed and all scallops on board
16 may be seized. The court may not suspend a fine imposed under this paragraph.

17 B. For a 2nd or subsequent offense, a mandatory fine of \$1,000 is imposed, all scallops
18 on board may be seized and the commissioner shall suspend the license authorizing the
19 activity in which the person was engaged at the time of violation. The court may not
20 suspend a fine imposed under this paragraph. The suspension must be for one year from
21 the date of conviction.

22 **SUMMARY**

23 This bill creates penalties for individuals who violate the rules creating scallop
24 conservation areas. For the first offense, a mandatory \$1,000 fine is imposed and all scallops
25 on board may be seized. For a second or subsequent offense, a mandatory \$1,000 fine is
26 imposed, all scallops on board may be seized and a mandatory one-year license suspension is
27 imposed.