

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 946

S.P. 324

In Senate, March 12, 2013

**An Act To Allow Municipalities To Petition the Department of  
Marine Resources To Establish Dive-only Areas for Scallops in  
Mooring Fields**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.

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

2 **Sec. 1. 12 MRSA §6728-C** is enacted to read:

3 **§6728-C. Dive-only areas**

4 **1. Dragging in dive-only areas prohibited.** A person may not take scallops by  
5 dragging in a dive-only area, as established in subsection 2.

6 **2. Dive-only areas established.** At the written request of a municipality, the  
7 commissioner may establish in harbors where there are moorings within that municipality  
8 dive-only areas where a person may fish for or take scallops by hand.

9 **3. Violation.** A person who violates subsection 1 commits a civil violation for  
10 which the following penalties apply:

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

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

15 C. For a 3rd or subsequent offense, a mandatory fine of \$750 is imposed and all  
16 scallops on board may be seized. This penalty is imposed in addition to the penalty  
17 imposed under section 6728-B.

18 **4. Rules.** The commissioner may adopt rules to implement this section. Rules  
19 adopted pursuant to this subsection are routine technical rules as defined in Title 5,  
20 chapter 375, subchapter 2-A.

21 **SUMMARY**

22 This bill gives the Commissioner of Marine Resources authority to establish by rule  
23 at the written request of a municipality dive-only areas in harbors where there are  
24 moorings within that municipality in which a person may not fish for or take scallops by  
25 any means other than by hand. This bill provides that dragging for scallops in a dive-only  
26 area is prohibited, and that a violation of this prohibition is a civil violation with  
27 mandatory fines.