

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 200

H.P. 156

House of Representatives, January 24, 2017

**An Act To Allow Certain Municipal Shellfish Conservation
Wardens To Seize and Sell Marine Organisms Taken in Violation of
a Shellfish Conservation Ordinance**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SIMMONS of Waldoboro.
Cosponsored by Representatives: O'CONNOR of Berwick, PIERCE of Dresden, SPEAR of
South Thomaston.

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

2 **Sec. 1. 12 MRSA §6671, sub-§8, ¶D** is enacted to read:

3 D. A certified municipal shellfish conservation warden who meets the requirements
4 of Title 25, section 2804-I and who is authorized by the municipality to arrest
5 violators of a shellfish conservation ordinance may seize and sell any marine
6 organism taken by an alleged violator in connection with the alleged violation. The
7 proceeds of the sale of the seized marine organism must be retained by the
8 municipality pending disposition of the civil or criminal proceedings against the
9 alleged violator. The proceeds must be used by the municipality in connection with
10 its shellfish conservation program if the alleged violator is convicted or adjudicated
11 of having committed a violation of the shellfish conservation ordinance. The
12 proceeds must be returned to the alleged violator if there is no conviction or
13 adjudication of having committed a violation of the shellfish conservation ordinance.

14 **SUMMARY**

15 This bill allows a municipal shellfish conservation warden who has completed the
16 training required to make arrests to seize and sell any marine organism taken in
17 connection with an alleged violation of a shellfish conservation ordinance. The proceeds
18 of the sale must be held pending disposition of the proceedings against the alleged
19 violator, at which time the proceeds must either be returned to the person or retained by
20 the municipality to use in connection with its shellfish conservation program.