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

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

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

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

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

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

§ 6626. Scallop conservation areas

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

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

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

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

SUMMARY

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