

## CHAPTER 627

### GENERAL PROHIBITIONS

#### §6951. Fishing with dynamite or poison

It shall be unlawful to: [PL 1977, c. 661, §5 (NEW).]

**1. Use dynamite or poison.** Use dynamite or any poisonous or stupefying substance for the purpose of destroying or taking fish in the coastal waters; [PL 1977, c. 661, §5 (NEW).]

**2. Possess dynamite or poison.** Possess or carry dynamite or other explosives or poisonous or other stupefying substance while engaged in fishing in a boat; and [PL 1977, c. 661, §5 (NEW).]

**3. Possess dynamited or poisoned fish.** Possess, buy or sell fish taken by use of dynamite or other explosives or poisonous or other stupefying substance. [PL 1977, c. 661, §5 (NEW).]

#### SECTION HISTORY

PL 1977, c. 661, §5 (NEW).

#### §6952. Trawling, seining or netting for lobster

##### (REPEALED)

#### SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1979, c. 621, §§1,2 (AMD). PL 1983, c. 52 (AMD). PL 2003, c. 452, §F35 (RP). PL 2003, c. 452, §X2 (AFF).

#### §6952-A. Trawling, seining or netting for lobster

**1. Trawling, seining or netting for lobsters prohibited.** A person may not:

A. Fish for or take lobsters by use of a trawl, drag, dredge, seine or net; or [PL 2011, c. 266, Pt. A, §21 (AMD).]

B. Possess any lobsters, regardless of their source, on board any boat rigged for dragging, trawling, dredging, seining or netting. [PL 2011, c. 266, Pt. A, §21 (AMD).]  
[PL 2011, c. 266, Pt. A, §21 (AMD).]

**2. Exception; liberated alive.** A person does not violate this section if the lobster is immediately liberated alive in the coastal waters.

[PL 2003, c. 452, Pt. F, §36 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

**3. Exceptions; boats.** This section does not apply to:

A. A boat rigged for dragging, trawling, dredging or seining if all nets, drags and dredges are removed from the boat; or [PL 2011, c. 266, Pt. A, §22 (AMD).]

B. A boat rigged for netting if there are no finfish taken by gill net aboard. [PL 2003, c. 452, Pt. F, §36 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]  
[PL 2011, c. 266, Pt. A, §22 (AMD).]

**4. Penalty for possession.** A violation of this section is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 6, the court shall impose a fine of \$500 for each violation and, in addition, a fine of \$100 for each lobster involved, up to and including the first

5, and a fine of \$200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000.

[PL 2019, c. 113, Pt. C, §14 (AMD).]

#### SECTION HISTORY

PL 2003, c. 452, §F36 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2009, c. 394, §14 (AMD). PL 2011, c. 266, Pt. A, §§21, 22 (AMD). PL 2013, c. 468, §42 (AMD). PL 2019, c. 113, Pt. C, §14 (AMD).

#### §6953. Stopping for inspection; penalty

It shall be unlawful for the operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, or any person: [PL 1977, c. 661, §5 (NEW).]

**1. Stopping.** To fail or refuse to stop immediately upon request or signal of any marine patrol officer in uniform;

[PL 1979, c. 541, Pt. B, §73 (AMD).]

**2. Remaining stopped.** After the operator has stopped, to fail to remain stopped until the marine patrol officer reaches the operator's immediate vicinity and makes known to that operator the reason for the request or signal;

[RR 2021, c. 2, Pt. B, §63 (COR).]

**3. Standing by.** To fail or refuse to stand by immediately for inspection on request of any marine patrol officer in uniform;

[PL 1979, c. 541, Pt. B, §73 (AMD).]

**4. Throwing or dumping items.** Who has been requested or signaled to stop by a marine patrol officer in uniform to throw or dump into any water any marine organism, or any pail, bag, barrel or other container of any type, or the contents thereof, before the marine patrol officer has inspected the same.

[PL 1979, c. 541, Pt. B, §73 (AMD).]

Violation of this section is a Class D crime, except that the court shall impose a fine of not less than \$500. A court may not suspend a fine imposed under this section. [PL 2009, c. 394, §15 (AMD).]

#### SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 2009, c. 394, §15 (AMD). RR 2021, c. 2, Pt. B, §63 (COR).

#### §6954. Dragging in cable area

**1. Violation.** It is unlawful to operate any watercraft when towing a drag or trawl in any waters that are identified or marked as underwater cable or pipeline areas, either as shown on the most recently published United States Government nautical chart or as shown or described by rule adopted by the commissioner. The commissioner may make rules showing or describing the locations of underwater cables or pipelines that are not identified on the most recent United States Government nautical charts. A drag or trawl must be lifted out of the water to transit the cable area.

[PL 1997, c. 78, §1 (AMD).]

**2. Penalty.** A violation of this section is a Class D crime, except that the minimum fine shall be \$500 and may not be suspended.

[PL 1987, c. 1, §2 (RPR).]

#### SECTION HISTORY

PL 1983, c. 179, §3 (NEW). PL 1983, c. 663, §3 (AMD). PL 1987, c. 1, §2 (AMD). PL 1997, c. 78, §1 (AMD).

#### §6954-A. Dragging and scalloping prohibited in the Frenchboro area

**1. Violation.** Unless permitted by rules adopted under subsection 1-A, a person may not:

A. Take scallops by any means within the Frenchboro area; or [PL 2003, c. 452, Pt. F, §37 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. Operate any watercraft when towing a drag or trawl within the Frenchboro area. A drag or trawl must be lifted out of the water to transit the cable area. [PL 2003, c. 452, Pt. F, §37 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

For purposes of this section, except as otherwise defined by rules adopted under subsection 1-A, "the Frenchboro area" means the following area: starting at the easternmost point on Red Point, Swan's Island; thence in an easterly direction to the southernmost point of the western Sister's Island; thence in a southeasterly direction to the southernmost point of Crow Island; thence in a southerly direction to the northernmost point of Harbor Island, Frenchboro, Long Island; thence southerly to the state ferry terminal located on the eastern side of Lunt's Harbor, Frenchboro, Long Island, and then starting at the westernmost point of Gooseberry Point on Frenchboro, Long Island; westerly to the northeast point of John's Island; thence northwest to the easternmost point of the largest of the Baker Islands; thence northwesterly to the northeastern point of Harbor Island, Swan's Island; thence northerly to Quarry Wharf, Minturn, Swan's Island.  
[PL 2021, c. 249, §1 (AMD).]

**1-A. Scalloping permitted by rule.** The commissioner may adopt and amend rules that amend the definition of the Frenchboro area if the commissioner determines, after evaluation, that the area should be modified to better achieve the purposes of this section. The commissioner may also adopt and amend rules permitting the taking of scallops in the Frenchboro area, except that the rules may not permit the use of drags more than 30 inches wide and may not permit the use of drag ropes more than 3/8 inch in diameter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.  
[PL 2021, c. 249, §2 (AMD).]

**2. Penalty.** A violation of this section is a Class D crime, except that the minimum fine shall be \$500 and may not be suspended.  
[PL 1987, c. 1, §3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 317 (NEW). PL 1987, c. 1, §3 (RPR). PL 1991, c. 301, §1 (AMD). PL 1991, c. 784, §§9,10 (AMD). PL 1997, c. 78, §2 (AMD). PL 2003, c. 452, §F37 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2021, c. 249, §§1, 2 (AMD).

#### §6954-B. Drag limits in South Bay in Lubec

**(REPEALED)**

#### SECTION HISTORY

PL 1995, c. 278, §1 (NEW). PL 1995, c. 518, §1 (AMD). PL 1997, c. 281, §2 (RP).

#### §6954-C. Drag limits north of international bridge, Lubec

**1. Gear requirements.** The holder of a scallop dragging license or sea urchin dragging license may not possess on the boat identified on that person's license or fish with, in the territorial waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada, any drag or combination of drags:

A. That measures in excess of 5 feet, 6 inches in width measuring from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge; and [PL 1997, c. 281, §3 (NEW).]

B. If used for the taking of scallops, that is greater than 8 rings deep. [PL 1997, c. 281, §3 (NEW).]  
[PL 2017, c. 222, §6 (AMD).]

**1-A. Exception.** Notwithstanding subsection 1, the holder of a sea urchin dragging license may possess gear used for dragging scallops on the boat identified on that person's sea urchin dragging license if that boat is also identified on any scallop dragging license and there are no scallops on that boat.  
[PL 2017, c. 222, §7 (NEW).]

**2. Violation.** Notwithstanding section 6174, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized; [PL 2007, c. 557, §11 (NEW).]

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and [PL 2007, c. 557, §11 (NEW).]

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B. [PL 2007, c. 557, §11 (NEW).]

[PL 2007, c. 557, §11 (NEW).]

#### SECTION HISTORY

PL 1997, c. 281, §3 (NEW). PL 2001, c. 272, §17 (AMD). PL 2007, c. 557, §11 (AMD). PL 2017, c. 222, §§6, 7 (AMD).

#### **§6955. Fishing in waters of Union River Bay and the lower Union River**

It is unlawful to fish with any type of net, fish trap or weir from April 15th to August 1st in the tidal waters of Union River Bay and the lower Union River north of a line drawn from the southernmost tip of Newbury Neck in the Town of Surry and extended eastward to the southernmost tip of Oak Point in the Town of Trenton. The closed area extends northward to the downstream side of the Bangor Hydropower Company dam in the City of Ellsworth. Fishing for eels or smelts by means of hand dip nets, fyke nets or baited eel traps is exempt from this section. The taking of river herring under the provisions of section 6131, subsection 5 is exempt from this section. [PL 2011, c. 598, §47 (AMD).]

#### SECTION HISTORY

PL 1985, c. 211 (NEW). PL 2011, c. 598, §47 (AMD).

#### **§6956. Diver's down flag required**

A person licensed to harvest a marine species by hand must display a diver's down flag when using a self-contained underwater breathing apparatus to harvest that species. For the purposes of this section, "diver's down flag" means the International Code Flag "A" as defined in navigation rules adopted by the United States Coast Guard. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 and not more than \$500 may be adjudged. [PL 1999, c. 771, Pt. B, §12 (AMD); PL 1999, c. 771, Pt. D, §§1,2 (AFF).]

#### SECTION HISTORY

PL 1993, c. 448, §1 (NEW). PL 1999, c. 771, §B12 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

#### **§6957. Fishing near floating equipment**

**1. Prohibition.** A person may not operate a vessel using drags, otter trawls, pair trawls, beam trawls, scottish seines or midwater trawls to fish for or take finfish, shellfish, sea urchins or any other marine organisms within 300 feet of any suspended culture floating cages, tray racks or other floating

equipment authorized in a lease issued by the commissioner under section 6072, 6072-A or 6072-B, or a license issued under section 6072-C, if the equipment is marked in accordance with subsection 1-A. [PL 2007, c. 615, §22 (AMD).]

**1-A. Markings.** The owner of a suspended culture floating cage, tray rack or other floating equipment shall mark the area in which a vessel is prohibited under subsection 1 with at least 4 anchors, each marked by a yellow buoy at least 2 feet in diameter. [PL 1995, c. 169, §2 (NEW).]

**2. Penalty.** A violation of subsection 1 is a Class D crime. In addition to any other authorized sentencing alternative, the court shall impose a minimum fine of \$1,000 that may not be suspended. [PL 2019, c. 113, Pt. C, §15 (AMD).]

#### SECTION HISTORY

PL 1993, c. 723, §1 (NEW). PL 1995, c. 169, §2 (AMD). PL 2007, c. 615, §22 (AMD). PL 2019, c. 113, Pt. C, §15 (AMD).

#### **§6958. False search and rescue information**

A person who intentionally provides the department or causes to be given to the department false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort is subject to a civil penalty of up to the cost of providing the search and rescue service, payable to the State. This penalty is recoverable in a civil action. The State may also recover the cost of bringing the action, including a reasonable attorney's fee. [PL 1997, c. 300, §1 (NEW).]

#### SECTION HISTORY

PL 1997, c. 300, §1 (NEW).

#### **§6959. Dragging in the Taunton River area**

**(REPEALED)**

#### SECTION HISTORY

PL 1999, c. 576, §1 (NEW). PL 2001, c. 272, §18 (AMD). MRSA T. 12 §6959 (RP).

#### **§6959-A. Dragging in Taunton River area**

**(REPEALED)**

#### SECTION HISTORY

PL 2005, c. 160, §1 (NEW). PL 2005, c. 466, §1 (RPR). MRSA T. 12 §6959-A, sub-§3 (RP).

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