

**§6721-A. Shell size minimum****(REALLOCATED FROM TITLE 12, SECTION 6728-A)**

**1. Minimum shell size.** Except as provided in subsection 4, this subsection governs the shell size limits of scallops.

A. From December 1, 2003 to November 30, 2004, a person may not possess, ship, transport, buy or sell scallops that are less than 3 3/4 inches in the longest diameter. [PL 2003, c. 520, §8 (RAL).]

B. On December 1, 2004 and thereafter, a person may not possess, ship, transport, buy or sell scallops that are less than 4 inches in the longest diameter. [PL 2003, c. 520, §8 (RAL).]  
[PL 2003, c. 520, §8 (RAL).]

**2. Prima facie evidence.** It is prima facie evidence of possession of illegal scallops if a vessel contains scallops less than the minimum shell size set by this section or the minimum shell size set by rules adopted pursuant to this section while a person licensed under this subchapter or crew member of a person licensed under this subchapter is shucking scallops.

[PL 2009, c. 561, §23 (AMD).]

**3. Release of undersize scallops.** Those scallops that are less than the minimum shell size established by this section or by rules adopted pursuant to this section must be immediately liberated into the waters from which they were taken.

[PL 2003, c. 520, §8 (RAL).]

**4. Rules.** After December 1, 2004, the commissioner may adopt rules to increase the minimum shell size set by this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2003, c. 520, §8 (RAL).]

**5. Violation.** Notwithstanding section 6174, subsection 3, 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. 695, Pt. I, §4 (RPR).]

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and [PL 2007, c. 695, Pt. I, §4 (RPR).]

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B. [PL 2007, c. 695, Pt. I, §4 (RPR).]

[PL 2007, c. 695, Pt. I, §4 (RPR).]

**SECTION HISTORY**

PL 2003, c. 520, §8 (RAL). PL 2007, c. 557, §4 (AMD). PL 2007, c. 607, Pt. A, §§5, 6 (AMD). PL 2007, c. 607, Pt. B, §4 (AMD). PL 2007, c. 695, Pt. I, §§4, 5 (AMD). PL 2009, c. 561, §23 (AMD).

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