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Public Law
123rd Legislature
Second Regular Session

Chapter 557
S.P. 774 - L.D. 1980

An Act To Preserve the Cobscook Bay Scallop Fishery

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

Sec. 1. 12 MRSA §6701, sub-§7 is enacted to read:

7. Violation in Cobscook Bay. Notwithstanding subsection 6, a person who violates this section in Cobscook Bay 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;
- B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and
- 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.

Sec. 2. 12 MRSA §6702, sub-§7 is enacted to read:

7. Violation in Cobscook Bay. Notwithstanding subsection 6, a person who violates this section in Cobscook Bay 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;
- B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and
- 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.

Sec. 3. 12 MRSA §6703, sub-§6 is enacted to read:

6. Violation in Cobscook Bay. Notwithstanding subsection 5, a person who violates this section in Cobscook Bay 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;

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

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.

Sec. 4. 12 MRSA §6721-A, sub-§6 is enacted to read:

6. Violation in Cobscook Bay. Notwithstanding section 6174 and subsection 5, a person who violates this section in Cobscook Bay 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;

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

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.

Sec. 5. 12 MRSA §6722, as amended by PL 2001, c. 272, §14, is repealed and the following enacted in its place:

§ 6722. Scallop season

1. Scallop fishing season. Unless modified by rules adopted under section 6171-A, a person may not fish for or take scallops in the territorial waters from April 16th to November 30th, both days inclusive.

2. Violation in Cobscook Bay. Notwithstanding section 6174, a person who violates this section in Cobscook Bay 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;

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

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.

Sec. 6. 12 MRSA §6725, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

§ 6725. Possession of illegal scallops

1. Prohibition. A person may not possess, ship, transport, buy or sell scallops taken in violation of this subchapter.

2. Violation in Cobscook Bay. Notwithstanding section 6174, a person who violates this section in Cobscook Bay 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;
- B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and
- 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.

Sec. 7. 12 MRSA §6726, sub-§4 is enacted to read:

4. Violation in Cobscook Bay. Notwithstanding section 6174, a person who violates this section in Cobscook Bay 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;
- B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and
- 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.

Sec. 8. 12 MRSA §6728, sub-§1, as enacted by PL 2001, c. 192, §1, is amended to read:

1. Daily limit; rules. In the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada, ~~it is unlawful to a person may not~~ fish for, take or possess more than 15 gallons of scallop meat per day. Under this subsection ~~it is unlawful to a person may not~~ unload any portion of a day's catch and return to fishing. The department shall establish by rule a bushel limit of shellstock that is equivalent to 15 gallons of meat. The department shall also establish by rule a method to allow harvesters to land and possess scallops in Cobscook Bay that are taken outside the area defined in this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter H-A2-A.

Sec. 9. 12 MRSA §6728, sub-§3, as enacted by PL 2001, c. 192, §1, is repealed and the following enacted in its place:

3. 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;
- B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and
- 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.

Sec. 10. 12 MRSA §6728-B is enacted to read:

§ 6728-B. Habitual violations in Cobscook Bay

The commissioner shall suspend the hand fishing scallop license or other license issued under this Part authorizing the taking of scallops of any license holder adjudicated or convicted in court of a 3rd or subsequent violation of this subchapter in Cobscook Bay. The suspension must be for at least one year from the date of conviction and may be up to 3 years.

Sec. 11. 12 MRSA §6954-C, sub-§2 is enacted to read:

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

Effective June 30, 2008