

**§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).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November*

*1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.