



126th MAINE LEGISLATURE

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Legislative Document

No. 946

S.P. 324

In Senate, March 12, 2013

**An Act To Allow Municipalities To Petition the Department of
Marine Resources To Establish Dive-only Areas for Scallops in
Mooring Fields**

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.

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

2 **Sec. 1. 12 MRSA §6728-C** is enacted to read:

3 **§6728-C. Dive-only areas**

4 **1. Dragging in dive-only areas prohibited.** A person may not take scallops by
5 dragging in a dive-only area, as established in subsection 2.

6 **2. Dive-only areas established.** At the written request of a municipality, the
7 commissioner may establish in harbors where there are moorings within that municipality
8 dive-only areas where a person may fish for or take scallops by hand.

9 **3. Violation.** A person who violates subsection 1 commits a civil violation for
10 which the following penalties apply:

11 A. For a first offense, a mandatory fine of \$500 is imposed and all scallops on board
12 may be seized;

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

15 C. For a 3rd or subsequent offense, a mandatory fine of \$750 is imposed and all
16 scallops on board may be seized. This penalty is imposed in addition to the penalty
17 imposed under section 6728-B.

18 **4. Rules.** The commissioner may adopt rules to implement this section. Rules
19 adopted pursuant to this subsection are routine technical rules as defined in Title 5,
20 chapter 375, subchapter 2-A.

21 **SUMMARY**

22 This bill gives the Commissioner of Marine Resources authority to establish by rule
23 at the written request of a municipality dive-only areas in harbors where there are
24 moorings within that municipality in which a person may not fish for or take scallops by
25 any means other than by hand. This bill provides that dragging for scallops in a dive-only
26 area is prohibited, and that a violation of this prohibition is a civil violation with
27 mandatory fines.