

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## An Act To Amend Maine's Scallop Laws

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

**Sec. 1. 12 MRSA §6702**, as amended by PL 2003, c. 20, Pt. WW, §14 and c. 248, §8, is further amended to read:

### § 6702. Scallop dragging license

**1. License required.** A person may not use a boat for dragging for scallops unless that ~~boat~~ carries person holds a scallop ~~boat~~dragging license issued by the commissioner and that boat is identified on the license.

**2. Licensed activity.** A ~~boat~~person licensed under this section may ~~be used for dragging~~use the boat identified on the license to drag for scallops and ~~to possess, ship, sell or transport~~ shucked scallops taken under the license. The license also authorizes the captain and crew members aboard the ~~licensed~~ boat identified on the license when engaged in dragging for scallops to undertake these activities, except that the captain and crew members may not fish for or take scallops if the license holder is not aboard that boat except as provided in subsection 2-A.

**2-A. Exemptions.** Notwithstanding subsection 2, the commissioner may authorize a person to fish for or take scallops from a boat when the person holding a scallop dragging license that contains the name of that boat is not on board if:

A. The holder of the scallop dragging license documents to the commissioner that an illness or disability temporarily prevents the license holder from fishing for or taking scallops from that boat and requests in writing to the commissioner that the commissioner authorize another person to use that boat to fish for or take scallops; or

B. The boat named on the license of a license holder is temporarily inoperable because of an accident or a mechanical failure and the license holder requests in writing to the commissioner that the commissioner authorize the license holder to use another boat to fish for or take scallops.

**3. Eligibility.** A scallop ~~boat~~dragging license may be issued only to an individual who is a resident.

**4. Personal use exception.** In any one day, a person licensed pursuant to section 6703 may take or possess not more than 2 bushels of shell scallops or 4 quarts of shucked scallops for personal use without a scallop dragging license under this section.

**5. Fee.** The fee for a scallop ~~boat~~dragging license is \$111.

**6. Violation.** A person who violates this section commits a civil violation for which a ~~forfeiture~~fine of not less than \$100 nor more than \$500 may be adjudged.



D. From December 1, 2008 and thereafter, 4 inches in diameter.

**Sec. 6. 12 MRSA §6728, sub-§3, ¶B,** as enacted by PL 2001, c. 192, §1, is amended to read:

B. For each subsequent offense, a forfeiture of \$250 is imposed, all scallops on board may be seized and the scallop boatdragging license may be suspended for one year.

**Sec. 7. 12 MRSA §6729-A, sub-§1,** as enacted by PL 2003, c. 319, §2, is amended to read:

**1. Uses of fund.** The commissioner shall use the fund for research directly related to scallop fishery management information needs, for implementation of scallop management measures and for reporting to licensed scallop harvesters on the results of research and the use of fund revenues. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of scallop resources. The commissioner shall consult with the Scallop Advisory Council under section 6729-B before deciding upon research projects and awarding grants from the fund. The fund may also be used for support of the Scallop Advisory Council, including reimbursement for travel expenses.

## SUMMARY

Current law specifies that a boat must carry a scallop boat license before a person may engage in scalloping activities.

This bill creates a requirement that a person hold a scallop dragging license and be present on the boat named on the license when the boat is engaged in dragging for scallops. This bill also restricts the issuance of scallop licenses in 2009 and thereafter to persons who had a scallop license in either the 2006 license year or the 2007 license year prior to April 15, 2007. The Commissioner of Marine Resources is required to establish a limited entry system for persons who did not possess a scallop license in the prior calendar year. This bill also increases the ring size used in the scallop fishery to 4 inches and expands the uses of the Scallop Research Fund to include the implementation of scallop management measures.