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

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

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

§ 6728-C. Dive-only areas

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

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

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

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

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

C. For a 3rd or subsequent offense, 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.

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

SUMMARY

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