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No. 908

H.P. 627

House of Representatives, March 12, 2015

An Act To Promote Sustainability in the Scallop Fishing Industry

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative ALLEY of Beals.
Cosponsored by Senator DUTREMBLE of York and
Representatives: BLUME of York, DANA of the Passamaquoddy Tribe, DEVIN of Newcastle,
McCABE of Skowhegan, PIERCE of Dresden, SAWICKI of Auburn, TUELL of East
Machias, Senator: MIRAMANT of Knox.

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

2 **Sec. 1. 12 MRSA §6073-E** is enacted to read:

3 **§6073-E. Limit exemption; scallop aquaculture**

4 A person who cultivates scallops pursuant to a lease issued under section 6072,
5 6072-A or 6072-B or a license issued under section 6072-C is exempt from the scallop
6 harvesting limit set forth in section 6721-B for scallops harvested from the leased area.

7 **Sec. 2. 12 MRSA §6706, sub-§2**, as amended by PL 2011, c. 237, §1, is further
8 amended to read:

9 **2. License eligibility in subsequent years.** Except as provided in subsection 2-A
10 and subsection 3, the commissioner may not issue a hand fishing scallop license or a
11 scallop dragging license to any person in any year subsequent to 2009 ~~unless that person~~
12 ~~possessed that license in the previous calendar year or is eligible to obtain a license in~~
13 ~~accordance with the limited entry system established under subsection 3.~~

14 **Sec. 3. 12 MRSA §6706, sub-§2-A** is enacted to read:

15 **2-A. License eligibility; previous license holders.** An applicant who held a hand
16 fishing scallop license or scallop dragging license in any previous year may be issued a
17 hand fishing scallop license or a scallop dragging license in the current year as long as the
18 prior license is no longer valid solely due to its expiration.

19 **Sec. 4. 12 MRSA §6706, sub-§3**, as amended by PL 2011, c. 237, §2, is further
20 amended to read:

21 **3. Scallop license limited entry system.** Notwithstanding subsection 2, the
22 commissioner shall establish by rule a limited entry system under which a person who did
23 not hold a hand fishing scallop license or a scallop dragging license in the previous
24 calendar year may become eligible to obtain that license. Rules adopted pursuant to this
25 subsection do not apply to persons who are eligible for a hand fishing scallop license or a
26 scallop dragging license under subsection 2-A. The rules for a limited entry system must
27 include provisions for the method and administration of the program. Rules adopted
28 pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375,
29 subchapter 2-A.

30 **Sec. 5. 12 MRSA §6721-B** is enacted to read:

31 **§6721-B. Scallop harvesting limit**

32 Except as provided in section 6073-E, a person may not harvest more than 90 pounds
33 of scallops per day.

34 **Sec. 6. 12 MRSA §6723**, as repealed and replaced by PL 2007, c. 607, Pt. A, §7,
35 is repealed.

