

§6621. Closed areas**1. Taking from closed areas.** A person may not:

A. Fish for or take shellfish from any area closed pursuant to section 6172; [PL 2011, c. 527, §10 (AMD).]

B. Fish for or take shellfish from any area closed pursuant to section 6172 when the person has one or more prior convictions for violating paragraph A; [PL 2011, c. 527, §10 (AMD).]

C. Possess, ship, transport or sell shellfish taken from any area closed pursuant to section 6172; or [PL 2011, c. 527, §10 (AMD).]

D. Possess, ship, transport or sell shellfish taken from any area closed pursuant to section 6172 when the person has one or more prior convictions for violating paragraph C. [PL 2011, c. 527, §10 (AMD).]

[PL 2011, c. 527, §10 (AMD).]

2. Washing or holding in closed areas. A person may not:

A. Wash, hold or keep shellfish in any area closed pursuant to section 6172; [PL 2011, c. 527, §10 (AMD).]

B. Wash, hold or keep shellfish in any area closed pursuant to section 6172 when the person has one or more convictions for violating paragraph A; [PL 2011, c. 527, §10 (AMD).]

C. Possess, ship, transport or sell shellfish washed, held or kept in any area closed pursuant to section 6172; or [PL 2011, c. 527, §10 (AMD).]

D. Possess, ship, transport or sell shellfish washed, held or kept in any area closed pursuant to section 6172 when the person has one or more convictions for violating paragraph C. [PL 2011, c. 527, §10 (AMD).]

[PL 2011, c. 527, §10 (AMD).]

3. Exception. This section does not apply to:

A. The taking of shellfish under the authority of section 6856; [PL 1989, c. 257, §1 (AMD).]

B. [PL 2003, c. 520, §7 (RP).]

C. Municipal officials, with express written authorization from the commissioner, who are engaging in activities authorized under section 6671. Requests for exception must be submitted to the commissioner in writing stating the activities proposed and the name of the person designated by the municipal officials to supervise those activities. In addition, the municipality shall, at least 24 hours prior to engaging in the activity, notify the department of the time or times the activity authorized under this paragraph will be conducted; [PL 1995, c. 323, §1 (AMD).]

D. The harvesting of shellfish from closed areas designated for purposes of relaying when harvesting is approved in writing by the commissioner consistent with regulations promulgated under section 6856; or [PL 1995, c. 323, §1 (AMD).]

E. The harvesting of marine mollusks from closed areas for the use of bait or other uses not meant for human consumption, if the harvesting takes place according to rules adopted by the commissioner. The commissioner may adopt rules that permit the taking, possession, shipping, transportation and selling of marine mollusks for bait or other uses not meant for human consumption, if the rules do not jeopardize certification of the State's shellfish according to the National Shellfish Sanitation Program. [PL 1995, c. 323, §1 (NEW).]

[PL 2003, c. 520, §7 (AMD).]

4. Penalty. A person who violates this article commits a Class D crime. The following minimum penalties apply:

- A. For the first offense, a fine of not less than \$300; and [PL 1997, c. 628, §1 (AMD).]
- B. For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500. [PL 1997, c. 628, §1 (AMD).]

The court may not suspend a fine imposed under this subsection. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

[PL 2003, c. 452, Pt. F, §17 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1977, c. 661, §5 (NEW). PL 1981, c. 462, §1 (AMD). PL 1983, c. 301, §8 (AMD). PL 1989, c. 257, §§1,2 (AMD). PL 1991, c. 168, §§1-3 (AMD). PL 1993, c. 281, §2 (AMD). PL 1995, c. 323, §1 (AMD). PL 1997, c. 628, §1 (AMD). PL 2003, c. 452, §§F16-17 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 520, §7 (AMD). PL 2011, c. 527, §10 (AMD).

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