

# MAINE STATE LEGISLATURE

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SMC  
R O P S

1

L.D. 1868

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Date: **5-15-12**

(Filing No. S-**586**)

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**STATE OF MAINE**

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**SENATE**

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**125TH LEGISLATURE**

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**SECOND REGULAR SESSION**

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SENATE AMENDMENT “ **E** ” to COMMITTEE AMENDMENT “A” to H.P.  
1383, L.D. 1868, Bill, “An Act To Correct Errors and Inconsistencies in the Laws of  
Maine”

11

Amend the amendment by inserting after Part E the following:

12

**'PART F**

13

14

**Sec. F-1. 12 MRSA §6743**, as amended by PL 2003, c. 452, Pt. F, §21 and  
affected by Pt. X, §2 and c. 520, §9, is further amended to read:

15

**§6743. Closed areas**

16

**1. Mahogany quahogs from closed areas.** A person may not:

17

18

A. Fish for or take ~~quahogs, including~~ mahogany quahogs, from an area closed by  
~~regulation pursuant to section 6172~~; or

19

20

B. Possess, ship, transport or sell ~~quahogs, including~~ mahogany quahogs, taken from  
an area closed ~~by regulation pursuant to section 6172~~.

21

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

22

23

A. Wash, hold or keep mahogany quahogs in an area closed ~~by regulation pursuant~~  
~~to section 6172~~; or

24

25

B. Possess, ship, transport or sell mahogany quahogs washed, held or kept in an area  
closed ~~by regulation pursuant to section 6172~~.

26

27

**3. Exception.** This section does not apply to the taking of mahogany quahogs under  
the authority of section 6856.

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29

**Sec. F-2. 12 MRSA §6747, sub-§1**, as enacted by PL 2003, c. 452, Pt. F, §22 and  
affected by Pt. X, §2, is amended to read:

30

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

31

32

A. Fish for or take mussels from an area closed ~~by regulation pursuant to section~~  
6172; or

1 B. Possess, ship, transport or sell mussels taken from an area closed ~~by regulation~~  
2 pursuant to section 6172.

3 **Sec. F-3. 12 MRSA §6747, sub-§2**, as repealed and replaced by PL 2003, c. 452,  
4 Pt. F, §22 and affected by Pt. X, §2, is amended to read:

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

6 A. Wash, hold or keep mussels in an area closed ~~by regulation~~ pursuant to section  
7 6172; or

8 B. Possess, ship, transport or sell mussels washed, held or kept in an area closed ~~by~~  
9 ~~regulation~~ pursuant to section 6172.

10 Amend the amendment by relettering or renumbering any nonconsecutive Part letter  
11 or section number to read consecutively.

12 **SUMMARY**

13 Public Law 2011, chapter 527, which took effect on March 18, 2012, allows the  
14 Commissioner of Marine Resources to close contaminated areas to the harvesting of  
15 marine organisms through issuing text and map descriptions rather than through  
16 emergency rulemaking. Although the intent was to cover all clams, quahogs, oysters and  
17 mussels, the new closure process inadvertently omitted mahogany quahogs and mussels.  
18 This amendment provides that the new closure process applies to mahogany quahogs and  
19 mussels.

20

21 **SPONSORED BY:**   
22 **(Senator HASTINGS)**

23 **COUNTY: Oxford**