

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 2164**

H. P. 1975

House of Representatives, February 2, 1976

Referred to Committee on Marine Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Greenlaw of Stonington.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT Establishing a Program Under the Department of Marine Resources of Installation of Anti-Green Crab Fencing in Clam Growing Areas Seriously Affected by Green Crab Predation.**

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

Sec. 1. 12 MRSA § 3710 is enacted to read:

§ 3710. Anti-green crab fencing

1. Program established. There is established a program of anti-green crab fencing which shall be administered by the Department of Marine Resources. This program shall provide funds and expertise to municipalities having a currently approved shellfish conservation ordinance for the construction and installation of anti-green crab fencing in clam growing areas which the Commissioner of Marine Resources finds to be seriously and adversely affected by green crab predation.

2. Regulations. The Advisory Council of the Department of Marine Resources shall promulgate appropriate regulations concerning the awarding of funds by the department to municipalities to provide for the construction and installation of anti-green crab fencing.

3. Commissioner's powers. The Commissioner of Marine Resources is authorized, subject to regulations promulgated by the Advisory Council of the Department of Marine Resources, to enter into agreements with municipalities concerning the administration and evaluation of anti-green crab fencing programs carried out under this section.

4. Application of municipalities for funds. Any town having a currently approved shellfish conservation ordinance, which desires funds to construct anti-green crab fencing, shall apply in writing to the Commissioner of Marine Resources. This application shall contain the following information:

A. Description. The location and description by metes and bounds, as appropriate, of the area to be protected;

B. Species. The species to be protected; and

C. Project. A description of the project in sufficient detail to enable the commissioner to determine:

(1) The past and present status of the shellfish populations requiring protection, including whether these populations are natural or transplanted seed and whether or not they are near commercial sizes;

(2) The effects of green crab predation; and

(3) Compatibility with navigational use.

Sec. 2. Report to Legislature. The Commissioner of Marine Resources shall, by February 1, 1977, report to the Legislature concerning the merits and needs for continuation of the anti-green crab fencing program established by this Act.

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of Marine Resources for the fiscal year 1976-77 the sum of \$25,000 to be used to carry out the purposes of this Act. The breakdown shall be as follows:

1976-77

MARINE RESOURCES, DEPARTMENT OF

All Other

\$25,000

This appropriation may be used for municipal matching purposes on a one-to-one basis, and municipalities may provide matching funds in the form of cash or goods or in kind, or a combination of any one, 2 or 3 of the former. This appropriation may also be used for federal or private matching purposes. This appropriation shall not lapse but shall be a continuing carrying account to be expended for the purposes of this Act.

STATEMENT OF FACT

The abundance of green crabs, a serious predator of softshelled clams and other important intertidal molluskan shellfish has increased dramatically along 3/4 of the Maine Coast (Kittery to Narraguagus Bay). The abundance is low in the northeast part of the coast and increases markedly southwest of Narraguagus Bay.

Green crab predation has resulted in extreme decimation of replacement clam stocks (less than ½-inch clams) and to a lesser degree larger clams in most of the clam growing areas described above. Clam production is expected to drop to catastrophic levels during the next 7 to 10 years.

The increase of green crabs is associated with warm winter temperatures which have been optimal for green crab reproduction for the past 3 to 5 years.

Temperature cycles and long range predictions indicate that a reversal of the temperature trend will occur in the near future.

When the temperature decrease occurs, the probability is that it will be gradual for several years. The effect on green crab reproduction and abundance will require several years for the clam stocks to recover from crab predation. Therefore, it will be necessary to protect clams throughout this period which may be 5 years or more.

Preliminary estimates indicate that there are 82 locations in the predator affected area where protection of clam stocks may be feasible. These locations comprise 1,700 acres of growing area with a production potential of 70,000 to 105,000 bushels and valued between \$980,000 to \$1,470,000 landed value. Community values are substantially higher depending on market use. Approximately 50,000 lineal feet of crab fencing at a low material cost of \$4 and a high of \$8 per 10-foot panel is the estimated need to protect the clams in these areas.

Massachusetts has the same predation problem. Maryland, the highest clam producing state in recent times, is experiencing catastrophic replacement stock failure due to ecological reasons.

The price of clams is expected to increase greatly because of low East Coast supply.

Because of the importance of the clam fishery to the coastal economy, the expected high price of clams, and the cost-effectiveness of protecting a small area the clam flats, this bill establishes a program of anti-green crab fencing to combat the predation of the green crab.