

MAINE STATE LEGISLATURE

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EMERGENCY
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2186

S. P. 736

In Senate, March 9, 1978

Reported by the Majority of the Joint Standing Committee on Marine Resources
pursuant to S. P. 700

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

RESOLVE, Directing the Commissioner of Marine Resources to Notify Municipalities of the Minimum Size Limitation Provision of the Municipal Shellfish Conservation Program.

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

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there has been great concern over the depletion of soft-shell clams along the coast; and

Whereas, a statewide minimum size on soft-shell clams would appear to be detrimental to the clamming industry and to good conservation practices; and

Whereas, there presently exists a provision in the statutes which authorizes municipalities to regulate the taking of soft-shell clams, and that statute includes a provision allowing municipalities to enact limitations on the size of soft-shell clams that may be taken; and

Whereas, many municipalities seem to be unaware of that provision and have not implemented it; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Commissioner of Marine Resources directed to notify municipalities. Resolved: That the Commissioner of Marine Resources shall immediately notify each coastal municipality of its authority to enact a shellfish conservation program which may be taken from the flats, shores and waters of that municipality.

Emergency clause. In view of the emergency cited in this preamble, this resolve shall take effect when approved.

STATEMENT OF FACT

This resolve directs the Commissioner of Marine Resources to immediately notify each coastal municipality of their authority to enact minimum size restrictions on the taking of soft-shell clams.