

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
110TH LEGISLATURE
FIRST REGULAR SESSION

L.D. 1345
(Filing No. H-434)

COMMITTEE AMENDMENT "A" to H.P. 1128, L.D. 1345, Bill,
"AN ACT Relating to Acquaculture."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 12 MRSA §6621, sub-§3, as enacted by PL 1977,
c. 661, §5, is repealed and the following enacted in its place:

3. Exception. This section shall not apply to:

A. The taking of shellfish under the authority of
section 6856;

B. Shellfish kept or washed in waters sterilized with a
system that has been approved in writing by the
commissioner, provided^{that}/the waters are also approved for
that use; or

C. The handling of shellfish that are not intended for
imminent human consumption.

Sec. 2. 12 MRSA §6622, sub-§1, as enacted by PL 1977,
c. 661, §5, is amended to read:

1. Minimum size. It shall be unlawful to take, possess,
ship, transport, buy or sell quahogs which are more than 1/2
inch and less than 2 inches in the longest diameter.

Sec. 3. 12 MRSA §6622, sub-§2, first sentence, as enacted
by PL 1977, c. 661, §5, is amended to read:

Any person may possess, ship, transport, buy or sell quahogs
that are more than 1/2 inch and less than 2 inches, if they
comprise less than 10% of any bulk pile.

Sec. 4. 12 MRSA §6856, sub-§4, ¶D, as enacted by PL 1977,
c. 661, §5, is repealed and the following enacted in its place:

D. The methods for taking, handling, shipping, transport-
ing and processing of shellfish taken from closed areas;'

Statement of Fact

Sections 1 and 4 of this amendment exempt shellfish licenses from the closed area restrictions if the shellfish are not intended for imminent human consumption. The amendment also authorizes the Commissioner of Marine Resources to promulgate regulations exempting certain activities, such as aquaculture, from other shellfish sanitation and certificate requirements.

Sections 2 and 3 add a phrase to the quahog minimum size law that will allow transactions in seed quahogs. Under present law, there is a prohibition in buying or selling seed quahogs. As the intention of the present statute is to conserve quahogs, and the development of a seed quahog industry will assist in conservation by providing new stock, it is consistent with the legislative policy of the minimum size statute to exempt seed quahogs from the statutory restriction. This exemption will not pose any threat to the conservation intent of the minimum size law, because there is no market demand for quahogs of 1/2 inch or less except for use as seed quahogs.

Reported by the Committee on Marine Resources.
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