

MAINE STATE LEGISLATURE

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L.D. 1975

(Filing No. H- 537)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "E" to H.P. 1501, L.D. 1975,
Bill, "AN ACT to Permit Possession of Soft-shell Clam
Stocks 2 Inches or Greater in the Largest Diameter."

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

'Sec. 1. 12 MRSA §6651, sub-§§1 and 2, as en-
acted by PL 1977, c. 661, §5, are amended to read:

1. Fees to be paid into fund. ~~Twenty-five~~
~~Seventy-five~~ percent of all fees from shellfish li-
censes, shellfish transportation licenses and whole-
sale seafood licenses shall be paid into the Shell-
fish Fund.

2. Uses of fund. The commissioner may expend the
money in the Shellfish Fund for management, enforce-
ment, restoration, development and conservation of
shellfish in the intertidal zone or coastal waters.

Sec. 2. 12 MRSA §6671, sub-§2, as enacted by PL
1977, c. 661, §5, is amended to read:

2. Municipal program and ordinance. Any munici-
pality may, by vote of its legislative body, adopt,
amend or repeal a shellfish conservation ordinance
regulating the taking possession of shellfish in any
areas in the intertidal zone or coastal waters area
of the municipality as provided by this section.

Sec. 3. 12 MRSA §6671, sub-§3, as amended by PL
1979, c. 608, §1, is further amended to read:

3. Shellfish conservation ordinance. Within any
area ~~in~~ of the ~~intertidal zone or coastal waters in~~

HOUSE AMENDMENT "E" to H.P. 1501, L.D. 1975

1 the municipality, a shellfish conservation ordinance
2 may regulate or prohibit the ~~taking possession of~~
3 shellfish; may fix the amount of shellfish that may
4 be taken; ~~may shall~~ limit the size of ~~soft shell~~
5 soft-shell clams in accordance with subchapter I, Ar-
6 article 5; may fix the qualifications for a license,
7 including municipal residency; may fix license fees;
8 and may authorize the municipal officers to open and
9 close flats under specified conditions. ~~No A~~ program
10 or ordinance ~~shall~~ shall not regulate areas closed by
11 regulation of the commissioner. An ordinance may also
12 provide for enforcement, protection and evaluation of
13 a green crab fencing program. No municipal commer-
14 cial license may be issued unless the applicant has a
15 current shellfish license, as provided in section
16 6601. The fee for a nonresident license shall be not
17 more than 10 times the fee for a resident license,
18 provided that in no case may the fee for a nonresi-
19 dent license exceed \$150. Notice of the number and
20 the procedure for application shall be published in a
21 trade or industry publication which the municipal of-
22 icers consider effective in reaching persons af-
23 ected, not less than 10 days prior to the period of
24 issuance and shall be posted in the municipal offices
25 until the period concludes. Subsequent to that peri-
26 od, the municipality shall make any resident or non-
27 resident licenses not granted during the period
28 available to residents or nonresidents.

29 Sec. 4. 12 MRSA §6671, sub-§8, as enacted by PL
30 1977, c. 661, §5, is repealed and the following en-
31 acted in its place:

32 8. Local enforcement. The following provisions
33 shall apply to enforcement.

34 A. A municipality that enacts an ordinance under
35 this section shall be responsible for enforcing
36 it.

37 B. Any municipal shellfish conservation warden
38 appointed by a municipality to enforce the provi-

1 SOFT-SHELL CLAM MANAGEMENT

2 §6681. Soft-shell clam management

3 1. Purpose. The Legislature finds that the con-
4 servation and wise use of the State's shellfish re-
5 source may be enhanced by a 2-inch minimum size limit
6 on possession of soft-shell clam shell stock in com-
7 bination with other management programs.

8 The Legislature further finds that management pro-
9 grams should be designed to meet local circumstances
10 as appropriate, but also finds that a minimum size
11 limit to be beneficial must be a uniform standard
12 statewide.

13 The Legislature intends by this Article to enhance
14 the value of the State's shellfish resource by the
15 institution of uniform standards which can be imple-
16 mented and enforced statewide.

17 2. Definition. For the purposes of this sub-
18 chapter, "possess" means dig, take, harvest, ship,
19 transport, hold, buy and sell retail and wholesale
20 soft-shelled clam shell stock.

21 3. Minimum size. It is unlawful to possess
22 soft-shelled clam shell stock whose shells are less
23 than 2 inches in the largest diameter.

24 4. Tolerance. Any person may possess
25 soft-shelled clams that are less than 2 inches if,
26 beginning on the effective date of this Article, they
27 comprise less than 30% of any bulk pile; beginning in
28 calendar year 1985, they comprise less than 20% of
29 any bulk pile; and beginning in calendar year 1986,
30 they comprise less than 10% of any bulk pile. The
31 tolerance shall be determined by numerical count of
32 not less than one peck nor more than 4 pecks taken at
33 random from various parts of the bulk pile or by a
34 count of the entire pile if it contains less than one
35 peck.

HOUSE AMENDMENT "E" to H.P. 1501, L.D. 1975

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STATEMENT OF FACT

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The purpose of this amendment is to delete specific reference to a set-aside requirement for nonresident licenses. The Commissioner of Marine Resources follows a model municipal ordinance when reviewing and approving proposed municipal ordinances. The model incorporates guidelines on nonresident licenses.

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The amendment makes a town solely responsible for the enforcement of the provisions of its municipal ordinance.

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The amendment also changes the tolerance requirements to reduce the initial economic impact of the 2-inch limitation.

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The entire bill is presented in the amendment to allow readers to see all the amendments in context and to avoid confusion.

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6298031584

Filed by Rep. Crowley of Stockton Springs
Reproduced and distributed under the direction
of the Clerk of the House
3/19/84 (Filing No. H-537)