

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1975

6
7 H.P. 1501

House of Representatives, January 19, 1984

8 Reported by Representative Crowley from the Committee on Marine
9 Resources. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Submitted by the Joint Standing Committee on Marine Resources pursuant to
Joint Rule 18, as approved by the Legislative Council, on May 25, 1983.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Permit Possession of Soft-shell
18 Clam Stocks 2 Inches or Greater in the
19 Largest Diameter.
20

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

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

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

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

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

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

9 Sec. 3. 12 MRSA §6671, sub-§3, as amended by PL
10 1979, c. 608, §1, is further amended to read:

11 3. Shellfish conservation ordinance. Within any
12 area ~~in of the intertidal zone or coastal waters in~~
13 ~~the~~ municipality, a shellfish conservation ordinance
14 may regulate or prohibit the ~~taking possession~~ of
15 shellfish; may fix the amount of shellfish that may
16 be taken; ~~may shall~~ limit the size of ~~soft shell~~
17 soft-shell clams in accordance with subchapter I, ar-
18 article 5; may fix the qualifications for a license,
19 including municipal residency; may fix license fees;
20 and may authorize the municipal officers to open and
21 close flats under specified conditions. ~~No A~~ program
22 or ordinance ~~shall~~ shall not regulate areas closed by
23 regulation of the commissioner. An ordinance may also
24 provide for enforcement, protection and evaluation of
25 a green crab fencing program. No municipal commer-
26 cial license may be issued unless the applicant has a
27 current shellfish license, as provided in section
28 6601. The municipality shall provide a minimum num-
29 ber of commercial licenses for nonresidents of the
30 municipality which shall be a number not less than
31 10% of the number provided for residents. The fee
32 for nonresident licenses shall be not more than 10
33 times the fee for resident licenses. Notice of the
34 number and the procedure for application shall be
35 published in a trade or industry publication which
36 the municipal officers consider effective in reaching
37 persons affected, not less than 10 days prior to the
38 period of issuance and shall be posted in the municip-
39 al offices until the period concludes. Subsequent
40 to that period, the municipality shall make any resi-
41 dent or nonresident permits not granted during the
42 period available to residents or nonresidents.

1 §6681. Soft-shell clam management

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

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

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

16 2. Definition. For the purposes of this sub-
17 chapter, "possess" means digging, taking, harvesting,
18 shipping, transporting, holding, buying and selling
19 retail and wholesale soft-shelled clam shell stock.

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

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

33 5. Enforcement. State, county and municipal
34 wardens and enforcement officers shall enforce this
35 subchapter.

36 6. Penalty. A minimum fine of \$100 and not more
37 than \$1,000 shall be imposed for conviction of viola-
38 tion of this Article.

