

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 924

H.P. 654

House of Representatives, March 5, 1985

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.

Reference to the Committee on Marine Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Manning of Portland.

Cosponsored by Representative Ruhlin of Brewer, Representative Crowley of Stockton Springs and Representative Vose of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT to Clarify the Law Regarding the
Taking of Soft-shell Clams.

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

12 MRSA §6623, sub-§2, as amended by PL 1979, c. 622, §3, is further amended to read:

2. Special license for dredging. The commissioner may issue a special license, as provided under acting in accordance with the procedures set forth in section 6074, subsections 1 to 6, to operate a hydraulic or mechanical ~~soft shell~~ soft-shell clam dredge for the commercial or other harvesting of soft-shell clams, provided that the dredge design and proposed operation is approved by the commissioner. A transportation permit shall not be required to ship, transport or sell ~~soft shell~~ soft-shell clams harvested under this special license. Except for a dredge licensed to a municipality for transplanting under its conservation program, the dredge shall only

1 be operated below low water. The operation of the
2 dredge shall not substantially interfere with commer-
3 cial digging and shall not be used for taking any ma-
4 rine worms, lobsters or other crustaceans.

5 STATEMENT OF FACT

6 Currently, the Department of Marine Resources may
7 issue special permits for the use of hydraulic and
8 mechanical soft-shell clam dredges, following the
9 procedure outlined in the Maine Revised Statutes,
10 section 6074 of the department's laws. While it was
11 contemplated that this authority be extended to com-
12 mercial use of those devices, a strict interpretation
13 of the reference to section 6074 may limit those uses
14 to only experimental and research purposes. The pur-
15 pose of this bill is to clarify that, while the pro-
16 cedure of section 6074 is to be followed, the permit-
17 ted use of the dredges may be for commercial harvest-
18 ing purposes.

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