

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 TWELFTH LEGISLATURE

4
5 Legislative Document

No. 2130

6
7 H.P. 1510

House of Representatives, March 4, 1986

8 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 26.

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

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

11 Cosponsored by Representative Coles of Harpswell and Representative
Dillenback of Cumberland.

12 STATE OF MAINE

13
14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX

16
17 AN ACT Regarding Mussel Dragging.

18
19 Be it enacted by the People of the State of Maine as
20 follows:

21 12 MRSA c. 623, sub-c. II-B is enacted to read:

22 SUBCHAPTER II-B

23 MUSSELS

24 ARTICLE I. MUSSEL CONSERVATION

25 §6745. Mussel Conservation Program

26 1. Seasons; commercial mussels. It is unlawful
27 to fish for or take by any means or possess commer-
28 cial mussels during the period from May 1st to July
29 31st and it is unlawful to take mussels by dragging
30 during the period from August 1st to October 31st;
31 except that it is lawful for the holder of an
32 aquaculture lease or his agent to harvest commercial

1 mussels by means other than dragging or other mechan-
2 ical methods on the area of the lease and to market
3 those mussels. Notwithstanding the provisions of
4 this subsection, any previous conditions attached to
5 an aquaculture lease shall remain valid.

6 2. Seasons; seed mussels. It is unlawful to
7 fish for, take or possess seed mussels during the pe-
8 riod from November 1st to April 30th of the following
9 year except that seed mussels held on an aquaculture
10 lease shall not constitute a violation of this sub-
11 section. The commissioner may extend, by rule, the
12 closed season to conserve the mussel stocks or to
13 mitigate gear conflict problems.

14 3. Size restrictions. "Commercial mussel" means
15 any mussel measuring at least $2\frac{3}{4}$ inches in the
16 longest dimension. "Seed mussel" means any mussel
17 measuring no more than $1\frac{1}{4}$ inches in the longest
18 dimension. A person may possess mussels less than $2\frac{3}{4}$
19 inches or mussels greater than $1\frac{1}{4}$ inches if
20 they comprise less than 10% of any bulk pile. The
21 tolerance shall be determined by numerical count of
22 not less than one peck nor more than 4 pecks taken at
23 random from various parts of the bulk pile or by a
24 count of the entire pile if it contains less than one
25 peck.

26 4. Designated seed mussel areas. Seed mussels
27 may only be harvested from designated areas. A mu-
28 nicipality may designate, subject to the provisions
29 of section 6671, areas that are above the mean
30 low-water mark for the harvest of seed mussels. In
31 municipalities without shellfish conservation pro-
32 grams, the commissioner may designate areas that are
33 above the mean low-water mark for the harvest of seed
34 mussels. Neither a municipality nor the commissioner
35 may designate as seed areas any mussel bed which may
36 reasonably be expected to produce commercial mussels
37 naturally or which is below the mean low-water mark.

38 5. On-board processing. All commercial or seed
39 mussels harvested by dragging or other mechanical
40 means shall be processed on-board the harvesting ves-
41 sel by washing and grading tumblers with a spacing of
42 no less than 7 to 8 inches.

6. Drag size. It is unlawful to fish for or take mussels with a mussel drag, the holding bag of which is more than 3 feet long, measured from the leading edge of the drag. The cutter bar, chain sweeps or teeth shall not extend more than 5 inches below the bottom level of the holding bag.

7. Suspended culture mussel exemption. A mussel aquaculture lease using suspended growing systems shall be exempt from the provisions of this section. For the purposes of this section, the term, "suspended growing systems" means a process of raising shellfish on structures or devices in the water column above the ocean floor and also utilizing shellfish grown from spat caught or released within the leased area.

STATEMENT OF FACT

Over the last 10 years, a rapidly growing market for mussels has developed in Maine. This has resulted in substantial economic benefit to the State through the harvesting of wild mussels and mussel aquaculture. Conflicts have arisen between traditional mussel harvesters, aquaculturalists and other fishermen. In addition, there is growing concern that, without active management, the mussel resource outside of aquacultural leases may be seriously depleted. Since traditional harvesters rely on this resource for their livelihood and aquaculturalists rely on it as a source of seed stock, depletion of the resource would have serious implications for the new industry.

The purpose of this bill is to provide the basic mechanisms for management of the wild mussel resource. The bill establishes seasons for musselling, limits the dimensions and design of mussel drags, defines "commercial" and "seed" mussels by size, requires on-board processing of harvested mussels and calls for the designation of seed mussel harvest areas.