

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1326

H.P. 979 House of Representatives, April 22, 1987  
Reference to the Committee on Marine Resources suggested  
and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative COLES of Harpswell.

Cosponsored by Representatives RICE of Stonington,  
MITCHELL of Freeport, and CROWLEY of Stockton Springs.

STATE OF MAINE

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

AN ACT Concerning Mussel Harvesting.

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

Sec. 1. 12 MRSA §6601, sub-§6, as repealed and  
replaced by PL 1981, c. 297, §3, is amended to read:

6. Definition. For the purposes of this subchapter, "shellfish" means clams, quahogs other than mahogany quahogs, oysters and ~~mussels~~ and includes shellstock and shucked shellfish.

Sec. 2. 12 MRSA §6651, sub-§§1 and 2, as amended  
by PL 1983, c. 838, §1, are further amended to read:

1. Fees to be paid into fund. Fifty-three percent of all fees from shellfish licenses, mussel

1 hand-raking and boat licenses, shellfish transportation  
2 licenses and wholesale seafood licenses shall be  
3 paid into the Shellfish Fund.

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

9 Sec. 3. 12 MRSA c. 623, sub-c. II-B is enacted  
10 to read:

11 SUBCHAPTER II-B

12 MUSSELS

13 §6745. Hand-raking mussel license

14 1. License required. It is unlawful for any  
15 person to engage in the activities authorized under  
16 this section without a current mussel license or oth-  
17 er license issued under this Part authorizing the ac-  
18 tivities.

19 2. Licensed activity. The holder of a  
20 hand-raking mussel license may take mussels by hand  
21 raking or possess, ship, transport or sell mussels he  
22 has taken.

23 3. Eligibility. A hand-raking mussel license  
24 shall only be issued to an individual and shall be a  
25 resident license.

26 4. Exception. In any one day, any person may  
27 take or possess not more than 2 bushels of shell  
28 mussels or 4 quarts of shucked mussels for personal  
29 use without a mussel license.

30 5. Fee. The fee for a hand-raking mussel li-  
31 cence shall be \$50.

32 §6746. Mussel boat license

33 1. License required. It is unlawful for any  
34 person to use a boat for dragging for mussels unless  
35 that boat carries a current mussel boat license is-  
36 sued by the commissioner.

1           2. Licensed activity. A boat license under this  
2 section may be used for dragging for mussels. The  
3 license shall also authorize the captain and up to 2  
4 crew members aboard the licensed boat when engaged in  
5 dragging for mussels to undertake these activities.

6           3. Eligibility. A mussel boat license shall on-  
7 ly be issued to an individual who is a resident.

8           4. Exception. In any one day, any person may  
9 take or possess not more than 2 bushels of shell  
10 mussel or 4 quarts of shucked mussels for personal  
11 use without a mussel license.

12           5. Fee. The fee for a mussel boat license is  
13 \$110.

14           §6747. Closed areas

15           1. Taking from closed areas. It is unlawful to  
16 fish for or take mussels from any area closed by reg-  
17 ulation or to possess, ship, transport or sell  
18 mussels so taken.

19           2. Washing or holding in closed areas. It is  
20 unlawful to wash, hold or keep mussels in any area  
21 closed by regulation or to possess, ship, transport  
22 or sell mussels so washed, held or kept.

23           3. Exception. This section shall not apply to:

24           A. The taking of mussels under the authority of  
25 section 6856; or

26           B. Mussels kept or washed in waters sterilized  
27 with a system that has been approved in writing  
28 by the commissioner, provided that the waters are  
29 also approved for that use.

1 STATEMENT OF FACT

2 This bill creates mussel harvesting licenses as  
3 recommended by the legislative study on blue mussel  
4 harvesting. Currently, mussels are regulated under  
5 the general shellfish provisions which are geared  
6 toward soft-shell clam harvesting. The license for  
7 clams is set at a low \$15 in recognition of the high  
8 cost of many municipal shellfish licenses.

9 This bill removes mussels from general shellfish  
10 provisions and establishes a separate subchapter to  
11 regulate their harvest. Two licenses are estab-  
12 lished, a hand-raking license and a boat license.  
13 The subchapter also prohibits the taking of mussels  
14 from closed areas.

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