

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1533, L.D. 2118, Bill, "An Act Regarding Municipal Shellfish Regulations"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the clam size tolerance allowed clam diggers and clam dealers under the current law is being widely violated and creates major enforcement problems for the Department of Marine Resources and local shellfish wardens; and

Whereas, the Department of Marine Resources needs time to adopt rules prior to the effective date of the changes provided for in this Act; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §6601. sub-§7 is enacted to read:

7. Identification tags; rules. Any person licensed under this section shall attach an identification tag that includes a license number to each container of soft-shelled clams before sale. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, governing the use of identification tags required pursuant to this subsection including, but not limited to, the nature, timing and placement of identification tags.

2 **Sec. 2. 12 MRSA §6681, sub-§4**, as enacted by PL 1983, c. 838,
§6, is amended to read:

4 **4. Tolerance.** Any person may possess soft-shelled clams
6 that are less than 2 inches if, beginning on the effective date
of this ~~Article~~ article, they comprise less than 30% of any bulk
8 pile; beginning in calendar year 1985, they comprise less than
20% of any bulk pile; and beginning in calendar year 1986, they
10 comprise less than 10% of any bulk pile. The tolerance shall ~~be~~
is determined by numerical count of not less than one peck nor
12 more than 4 pecks taken at random from various parts of the bulk
pile or by a count of the entire pile if it contains less than
14 one peck. This subsection is repealed July 1, 1990.

16 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

18

20 **FISCAL NOTE**

22 Enactment of this bill requires the Department of Marine
Resources to adopt rules governing the clam digger identification
24 tag system. All costs associated with the adoption of rules will
be absorbed by the Department of Marine Resources utilizing
26 budgeted resources.'

28 **STATEMENT OF FACT**

30 This amendment deletes the original bill and removes the
32 existing 10% tolerance for clams less than the 2-inch minimum
size. Clam diggers will be required to attach identification
34 tags that include their license numbers to containers of clams
before they are sold.

36 The Commissioner of Marine Resources is required to adopt
38 rules implementing the clam digger identification tag
requirement. A fiscal note and an emergency preamble and clause
40 are added.

Reported by the Committee on Marine Resources
Reproduced and distributed under the direction of the Clerk of the
House

3/7/90

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