



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2118

H.P. 1533

House of Representatives, January 5, 1990

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

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

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act Regarding Municipal Shellfish Regulations.

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

Sec. 1. 12 MRSA §6681, sub-§4, as enacted by PL 1983, c. 838, §6, is amended to read:

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6 4. Tolerance. Any person may possess soft-shelled clams that are less than 2 inches if, beginning on the effective date 8 of this Article article, they comprise less than 30% of any bulk 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 must be 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 14 pile or-by-a-count-of-the ontire-pile-if-it-contains-less-than ene-peck. A "bulk pile," as used in this section, means any pile of soft-shelled clams that contains more than a bushel. To 16 ensure compliance with this section, a bulk pile may not be 18 inspected within 2 hours after acquisition to allow the clams to be sorted.

Sec. 2. 38 MRSA §343-B is enacted to read:

<u>§343-B.</u> Public requirement of local expenditures

Notwithstanding any other provision of law, the department may not make or enforce a rule or requirement regarding shellfish that necessitates the expenditure of municipal funds.

STATEMENT OF FACT

This bill establishes a minimum size for bulk piles of soft-shelled clams that may be inspected for compliance with size requirements and provides any person possessing bulk piles of soft-shelled clams 2 hours after acquisition to sort clams before the clams are inspected. This bill also prohibits the Department of Environmental Protection from making or enforcing rules or requirements that necessitate the expenditure of municipal funds.