

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2126

H.P. 1541

House of Representatives, January 5, 1990

Submitted by the Department of Marine Resources pursuant to Joint Rule 24.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Representative HUTCHINS of Penobscot, Senator BRANNIGAN of Cumberland and Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Establish Licensing Requirements and a Cooperative
Monitoring Program for Mahogany Quahogs.**



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

4 **Sec. 1. 5 MRSA §12004-G, sub-§27-B is enacted to read:**

6 27-B. Marine Mahogany Quahog Not 12 MRSA
Resources Monitoring Board Authorized §6731-A

8 **Sec. 2. 12 MRSA §6731, sub-§§1 and 2, as enacted by PL 1981, c.**
10 **297, §4, are amended to read:**

12 **1. License required.** It is unlawful for any person to
14 engage in the activities authorized under this section without a
current seallep mahogany quahog license or other license issued
under this Part authorizing the activities.

16 **2. Licensed activities.** The holder of a seallep mahogany
18 quahog license may fish for or take mahogany quahogs or possess,
ship or transport within the state limits or sell mahogany
20 quahogs he that the holder has taken.

22 **Sec. 3. 12 MRSA §6731, sub-§§4 and 5 are enacted to read:**

24 **4. Fee.** The fee for a mahogany quahog license is \$53.

26 **5. Conditions.** The holder of a mahogany quahog license
shall comply with all conditions for licensing established by the
Mahogany Quahog Monitoring Board or by the commissioner.

28 **Sec. 4. 12 MRSA §6731-A is enacted to read:**

30 **§6731-A. Mahogany Quahog Monitoring Board**

32 The Mahogany Quahog Monitoring Board, established by Title
34 5, section 12004-G, subsection 27-B, shall be governed by the
following.

36 **1. Responsibilities.** The board shall establish an
38 industry-based group responsible for overseeing the selection
40 process by which quahog harvesters are chosen to collect mahogany
42 quahog samples. The determination of paralytic shellfish toxin
in the samples will remain with the Department of Marine
Resources.

44 **2. Membership.** The board shall consist of 5 members
46 appointed by the Commissioner of Marine Resources from persons
48 licensed to engage in the mahogany quahog fishery. Each member
shall serve a term of one year. The commissioner shall appoint
50 the chair of the board. Members of the board are not entitled to
any compensation and shall meet as often as necessary to achieve
52 the board's intended purposes. The commissioner shall meet at
least annually with the members of the board.

2 3. Sample collection. Each month the board shall select,
3 on a rotating basis, the mahogany quahog harvesters responsible
4 for the collection of mahogany quahog samples. A condition of
5 licensing is that each licensee participating in the sample
6 collection process must collect samples and provide transport to
7 and from sampling locations.

8 4. Department responsibilities. The Department of Marine
9 Resources is responsible for the identification of all sampling
10 areas, stations and the scheduling of all sampling runs. A
11 department observer shall be on board all vessels engaged in the
12 sampling activity. The commissioner or the commissioner's
13 designee shall notify the licensee in advance as to the time,
14 location and number of samples to be collected. In the event the
15 weekly collection of samples is not feasible, an alternative
16 sampling date may be established by the department.

17 5. Noncompliance. If the department determines that a
18 harvester selected by the board is not meeting all required
19 conditions under a mahogany quahog license, the department will
20 notify the chair of the board. The board shall either resolve
21 the issue with the harvester or make a recommendation to the
22 commissioner that the harvester's license be revoked.

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STATEMENT OF FACT

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26 Mahogany quahogs are similar to mussels and clams and are
27 susceptible to paralytic shellfish toxin, or "red tide." In
28 order to safeguard public health, the Department of Marine
29 Resources must provide adequate monitoring to ensure the consumer
30 a safe and wholesome product. This bill establishes a monitoring
31 program by creating a mahogany quahog license and monitoring
32 board responsible for enhanced industry participation with the
33 Department of Marine Resources to guarantee quality shellfish.
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