

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1169

H.P. 815

House of Representatives, March 18, 1991

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

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

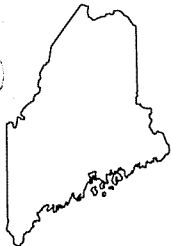
EDWIN H. PERT, Clerk

Presented by Representative COLES of Harpswell.
Cosponsored by Representative MARSH of West Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Shellfish Laws.



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

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

6 7. Identification tag; soft-shelled clams. Any person
8 licensed under this section shall attach an identification tag to
10 each container of soft-shell clams at the time the clams are
taken from the flats. The tag must include the license number of
the person taking the clams and indicate the location at which
the clams were taken.

12 Sec. 2. 12 MRSA §6681, sub-§§1, 3 and 4, as enacted by PL 1983,
14 c. 838, §6, are amended to read:

16 1. Purpose. The Legislature finds that the conservation
18 and wise use of the State's shellfish resource may be enhanced by
20 a 2-inch 1 3/4-inch minimum size limit on possession of
soft-shell clam shell stock in combination with other management
programs.

22 The Legislature further finds that management programs should be
24 designed to meet local circumstances as appropriate, but also
finds that a minimum size limit to be beneficial must be a
uniform standard statewide.

26 The Legislature intends by this Article to enhance the value of
28 the State's shellfish resource by the institution of uniform
standards which can be implemented and enforced statewide.

30 3. Minimum size. It is unlawful to possess soft-shelled
32 clam shell stock whose shells are less than 2 1 3/4 inches in the
largest diameter.

34 4. Tolerance. Any person may possess soft-shelled clams
36 that are less than 2 1 3/4 inches if, beginning on the effective
38 date of this Article, they comprise less than 3% 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~~
40 ~~comprise less than 10% of any bulk pile.~~ The tolerance shall must
42 be determined by numerical count of not less than one peck nor
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
one peck.

44 Sec. 3. Rules. The Commissioner of Marine Resources shall
46 adopt rules to implement section 1 of this Act. The rules must
48 establish the method of tagging and must prescribe the tag to be
used.

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STATEMENT OF FACT

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This bill requires any person taking soft-shell clams to attach a tag to each container of clams as they come off the flats. The tag must specify who took the clams and where they were taken. The bill also reduces the minimum legal size for soft-shell clams from 2 inches to 1 3/4 inches, and reduces from 10% to 3% the percentage of any bulk pile that may be less than the legal size.