

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

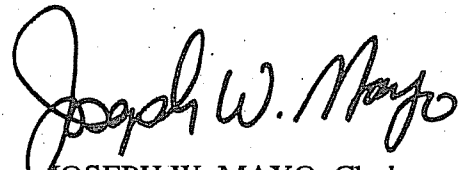
Legislative Document

No. 110

H.P. 80

House of Representatives, January 21, 1993

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


JOSEPH W. MAYO, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Representative FARREN of Cherryfield, Representative HEINO of Boothbay and Senator GOULD of Waldo.

STATE OF MAINE

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

An Act to Change the Legal Harvesting Size of Clams.

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

2
4 **Sec. 1. 12 MRSA §6671, sub-§3**, as repealed and replaced by PL 1989, c. 257, §3, is amended to read:

6 **3. Shellfish conservation ordinance.** Within any area of
8 the municipality, a shellfish conservation ordinance may regulate
10 or prohibit the possession of shellfish; may fix the amount of
12 shellfish that may be taken; may provide for enforcement,
14 protection and evaluation of a green crab fencing program; and
16 may authorize the municipal officers to open and close flats
18 under specified conditions. An ordinance ~~shall limit the~~ may
establish a minimum size of soft-shell clams in accordance with
article 5 clam stock that is greater than the state minimum size
established in section 6681. Except as provided in section 6621,
subsection 3, paragraph C, a program or ordinance may not allow
surveying, sampling or harvesting of shellfish in areas closed by
regulation of the commissioner.

20 **Sec. 2. 12 MRSA §6671, sub-§4, ¶B**, as repealed and replaced by
PL 1991, c. 390, §5, is amended to read:

22 B. Any ordinance proposed by a municipality or unorganized
24 territory under this section must be approved in writing by
the commissioner prior to its adoption. The commissioner
26 may approve an ordinance that establishes a minimum size of
soft-shell clam stock that is greater than the state minimum
28 size established in section 6681 only if the commissioner
determines that harvesting soft-shell clams within that
30 municipality at the size established in section 6681 would
be detrimental to the preservation of the resource in that
32 municipality.

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

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

42 The Legislature further finds that management programs should be
44 designed to meet local circumstances as appropriate, but also
finds that a minimum size limit to be beneficial must be a
46 uniform ~~standard-statewide~~ state minimum size.

48 The Legislature intends by this ~~Article~~ article to enhance the
50 value of the State's shellfish resource by the institution of
uniform standards, which can be implemented and enforced
52 statewide.

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

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

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STATEMENT OF FACT

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20 This bill decreases the minimum statewide legal size of
soft-shell clams from 2 inches to 1 1/2 inches. The bill also
22 permits municipalities and unorganized territories to adopt
shellfish conservation ordinances that establish larger minimum
24 sizes if harvesting clams in the 1 1/2-inch size range would be
detrimental to the local soft-shell clam resource.