

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1196

S.P. 428

In Senate, April 4, 1995

An Act to Encourage an Alternative Fishery.

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 "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by President BUTLAND of Cumberland.
Cosponsored by Senator: PINGREE of Knox.

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

2 **Sec. 1. 12 MRSA §6621, sub-§3**, as amended by PL 1991, c. 168,
4 §§1 to 3, is further amended to read:

6 **3. Exception.** This section shall does not apply to:

8 A. The taking of shellfish under the authority of section
10 6856;

12 B. Shellfish kept or washed in waters sterilized with a
14 system that has been approved in writing by the
 commissioner, ~~provided-that~~ if the waters are also approved
 for that use;

16 C. Municipal officials, with express written authorization
18 from the commissioner, who are engaging in activities
20 authorized under section 6671. Requests for exception must
22 be submitted to the commissioner in writing stating the
24 activities proposed and the name of the person designated by
 the municipal officials to supervise those activities. In
 addition, the municipality shall, at least 24 hours prior to
 engaging in the activity, notify the department of the time
 or times the activity authorized under this paragraph will
 be conducted; ~~or~~

26 D. The harvesting of shellfish from closed areas designated
28 for purposes of relaying when harvesting is approved in
30 writing by the commissioner consistent with regulations
 promulgated under section 6856-; or

32 E. The harvesting of surf clams from closed areas for the
34 use of bait. The commissioner may adopt rules that allow
36 for the taking, possession, shipping, transportation and
38 selling of surf clams for bait, as long as the rules do not
 jeopardize the certification of the State's shellfish by the
 National Shellfish Sanitation Program.

40 **STATEMENT OF FACT**

42 Under current law it is illegal to possess shellfish that
44 did not come from a certified source, growing area or dealer.
46 Long-liners use surf clams as bait and, to legally obtain them,
48 must buy from certified dealers. Shellfish used as bait do not
50 have to be fit for human consumption; nevertheless, long-liners
 must pay the price for shellfish that meet retail market
 standards even though their intended use is as bait. This bill
 allows the Department of Marine Resources to adopt rules by which
 long-liners can obtain and use product that does not have to meet
 sanitation standards.