

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 871

H.P. 648

House of Representatives, February 20, 2003

**An Act To Amend the Shellfish Harvesting Laws Regarding Closed  
Areas for Clam Digging**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TRAHAN of Waldoboro.

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

2  
323, **Sec. 1. 12 MRSA §6621, sub-§3, ¶D**, as amended by PL 1995, c.  
4 §1, is further amended to read:

6 D. The harvesting of shellfish from closed areas designated  
7 for purposes of relaying when harvesting is approved in  
8 writing by the commissioner consistent with regulations  
9 promulgated under section 6856; ~~or~~

10  
11 **Sec. 2. 12 MRSA §6621, sub-§3, ¶E**, as enacted by PL 1995, c.  
12 323, §1, is amended to read:

14 E. The harvesting of marine mollusks from closed areas for  
15 the use of bait or other uses not meant for human  
16 consumption, if the harvesting takes place according to  
17 rules adopted by the commissioner. The commissioner may  
18 adopt rules that permit the taking, possession, shipping,  
19 transportation and selling of marine mollusks for bait or  
20 other uses not meant for human consumption, if the rules do  
21 not jeopardize certification of the State's shellfish  
22 according to the National Shellfish Sanitation Program; or

24 **Sec. 3. 12 MRSA §6621, sub-§3, ¶F** is enacted to read:

26 F. The harvesting of shellfish from river areas that are  
27 closed due to failing test results for the entire river when  
28 those areas of the river have safe test results according to  
29 department guidelines.

30  
31 **Sec. 4. Conditional areas of clam digging.** The Department of  
32 Conservation shall post all updated water test results of  
33 clam-digging areas on its publicly accessible site on the  
34 Internet and indicate the areas closed and the areas open.

36  
37  
38 **SUMMARY**

39 The bill changes the policy for areas of rivers that are  
40 closed to the harvesting of shellfish due to poor test results  
41 that close the entire river. Only the areas that test poorly  
42 will be closed under this bill. It also requires the Department  
43 of Conservation to post water test results for clamflats on its  
44 publicly accessible site on the Internet.