

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 554

H.P. 432

House of Representatives, February 5, 2007

An Act To Amend the Shellfish Laws

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by Representative: McDONOUGH of Scarborough.

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

2 **Sec. 1. 12 MRSA §6601, sub-§4**, as amended by PL 2005, c. 434, §4, is further
3 amended to read:

4 **4. Personal use exception.** A person may take or possess no more than ~~1/2 bushel~~
5 one peck of shellstock or 3 bushels of "hen" or "surf" clams for personal use in one day
6 without a license, unless municipal ordinances further limit the taking of shellfish. This
7 subsection does not apply to individuals whose ability to obtain a shellfish license has
8 been suspended by the commissioner.

9 **Sec. 2. 12 MRSA §6602** is enacted to read:

10 **§6602. Surf clam boat license**

11 **1. License required.** A person may not use a boat for dragging for the harvesting of
12 surf clams unless that boat carries a current surf clam boat license issued by the
13 commissioner.

14 **2. Licensed activity.** A surf clam boat license issued under this section may be used
15 for harvesting surf clams. The holder of a surf clam boat license may also possess or
16 transport surf clams within state limits or sell surf clams the holder has taken to a
17 wholesale seafood license holder certified under section 6856. The license also authorizes
18 the captain and crew members aboard the licensed boat when engaged in harvesting surf
19 clams to undertake these activities.

20 **3. Eligibility.** A surf clam boat license may be issued only to an individual who is a
21 resident of this State.

22 **4. Exception.** In any one day, a person may take or possess not more than 3 bushels
23 of surf clams for personal use without a surf clam boat license.

24 **5. Fee.** The fee for a surf clam boat license is \$230.

25 **6. Violation.** A person who violates this section commits a civil violation for which
26 a fine of not less than \$100 nor more than \$500 may be adjudged.

27 **SUMMARY**

28 This bill makes the following changes to Maine's shellfish laws:

- 29 1. It reduces the amount of shellstock an individual may harvest per day for personal
30 use from 1/2 bushel to one peck;
- 31 2. It prevents persons who have had their shellfish harvesting license suspended from
32 being able to harvest for personal use; and
- 33 3. It creates a new surf clam boat license, which allows vessels engaged in harvesting
34 surf clams to obtain one license that covers all crew members.