

MAINE STATE LEGISLATURE

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L.D. 2071

Date: 4-7-08

(Filing No. S-572)

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STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1455, L.D. 2071, Bill, "An Act To Amend Maine's Scallop Laws"

Amend the amendment in Part A by striking out all of section 1 and inserting the following:

'Sec. A-1. 12 MRSA §6073-B, as enacted by PL 2007, c. 522, §2, is repealed and the following enacted in its place:

§6073-B. Harvester license exemption; scallops and aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under:

1. Cultured organisms. Sections 6421, 6501, 6748, 6748-A, 6748-D, 6751, 6801-A and 6803 to hold a separate license for the removal, possession, transport or sale of the cultured organisms, except for molluscan bivalve shellfish, not including scallops as provided in subsection 2, from the leased area or the licensed gear; and

2. Scallops. Sections 6701, 6702 and 6703 to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only. This exemption does not apply to scallops in any other form.'

Amend the amendment in section 8 in §6727-A by striking out all of subsection 2 and inserting the following:

'2. Rules to reduce size limits. The commissioner shall adopt by rule the maximum width of a drag or combination of drags used to fish for scallops as follows:

A. For chain sweep drags or so-called "mud drags," the size of the drag must be limited to 5 feet, 6 inches from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge; and

B. For so-called "rock drags," prior to July 1, 2012, the size of the drag must be limited to 10 feet, 6 inches from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge. Beginning July 1, 2012,

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SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1455, L.D. 2071

1 the size of the drag must be limited to 5 feet, 6 inches from one extreme outside edge
2 of the mouth of the drag or combination of drags to the opposite extreme outside
3 edge.

4 Rules adopted pursuant to this subsection are routine technical rules as defined in
5 Title 5, chapter 375, subchapter 2-A.'

6 **SUMMARY**

7 This amendment distinguishes between chain sweep drags, also referred to as "mud
8 drags," and so-called "rock drags" for purposes of rulemaking limiting the size of the
9 drags. The maximum size of rock drags is limited to 10 feet, 6 inches prior to July 1,
10 2012, after which the maximum size is limited to 5 feet, 6 inches, the same size as chain
11 sweep drags.

12 This amendment also amends a section of law regarding harvester license exemptions
13 that was enacted in Public Law 2007, chapter 522 and is being amended in Committee
14 Amendment "A" to avoid a potential conflict between the public law and that
15 amendment.

16 SPONSORED BY: Dana I. Dow

17 (Senator DOW)

18 COUNTY: Lincoln