

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 594

S. P. 228

In Senate, February 11, 1953

Referred to the Committee on Sea and Shore Fisheries, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Dunham of Hancock

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to the Taking of Clams and Quahogs.

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

R. S., c. 34, § 90, amended. Section 90 of chapter 34 of the revised statutes, as revised, is hereby amended to read as follows:

'Sec. 90. Taking of clams and quahogs regulated. Whoever takes or has in his possession quahogs or soft-shell clams less than 2 inches in the longest diameter, hereinafter referred to as seed quahogs or seed clams, ~~to the amount of more than 10% of any batch or lot~~ shall be punished by a fine of not less than \$10, nor more than \$25, for the 1st offense; by a fine of not less than \$20, nor more than \$50, for the 2nd offense; by a fine of not less than \$40, nor more than \$100, for the 3rd offense, and by a fine of \$100 for the 4th and all subsequent offenses. On the 2nd conviction thereof the commissioner may in his discretion suspend the offender's commercial shellfish and marine worm license issued under the provisions of this chapter for a period not to exceed 1 month; on the 3rd conviction for a period not to exceed 3 months; and on the 4th and subsequent conviction for a period not to exceed 1 year. Provided, however, it shall not be unlawful to take seed quahogs or seed clams or have the same in possession under authority of a permit therefor, which the commissioner is hereby authorized to grant, for replanting in waters or flats within the state or any other purpose. ~~The~~

tolerance of $\pm 10\%$ shall be determined by numerical count, or by measure of not less than \pm peek nor more than \pm peeks, taken at random from various parts of said batch or lot; provided, however, that such tolerance shall be determined by numerical count of the entire batch or lot when said batch or lot is less than \pm peek

A batch or lot, as used in this section, shall mean the total number of quahogs or soft shell clams in any bulk pile, provided that when quahogs or soft shell clams are in a box, barrel or other container, the contents of each such box, barrel or other container shall constitute a separate batch or lot

Whenever clams, quahogs or mussels are bought or sold in units of 1 bushel, measurement shall be determined by a container having a capacity of a standard bushel, (2150.42 cu. inches).'