

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Legislative Document

No. 157

H. P. 166

House of Representatives, January 25, 1955.

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

HARVEY R. PEASE, Clerk

Presented by Mr. McCluskey of Warren.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to the Taking of Quahogs.

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

Sec. 1. R. S., c. 38, § 92, amended. The 1st and 2nd paragraphs of section 92 of chapter 38 of the revised statutes are hereby amended to read as follows:

'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 convictions 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 authorized to grant, for replanting in waters or flats within the State or any other purpose. The tolerance of 10% shall be determined by numerical count, or by measure of not less than 1 peck nor more than 4 pecks, 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 1 peck.'

'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.'