

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
99th LEGISLATURE

CONFERENCE COMMITTEE AMENDMENT "A" to H. P. 177, L. D. 248, Bill,

"An Act Repealing the Two Inch Clam Law."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"Sec. 1. R. S., c. 37-A, §50, amended. The first paragraph of section 50 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'Any municipality may enact a municipal ordinance fixing the time when clams, quahogs and mussels may be taken from any or all of the coastal waters and flats within the municipality. The ordinance may also provide limitations on the amount of clams, quahogs and mussels which may be taken within the municipality, and may likewise provide that municipal licenses be required for the taking of any such species within the municipality, and may fix the license fees. The ordinance may also provide for the size of soft-shell clams which may be taken from the flats within the municipality.'

Sec. 2. R. S., c. 37-A, §54, amended. Section 54 of chapter 37-A of the Revised Statutes, as enacted by section 1 of chapter 331 of the public laws of 1959, is amended to read as follows:

'Sec..54. Minimum legal size for quahogs.. It is unlawful for any person to take or have in his possession quahogs ~~or soft-shell~~ clams which are less than 2 inches in the longest diameter to the amount of more than 10% of any lot.

I. Definitions. A lot, as used in this section, means the total number of quahogs ~~or soft-shell-clams~~ in any bulk pile. Where quahogs ~~or soft-shell-clams~~ are in a box, barrel or other container, the contents of each box, barrel or other container constitute a separate lot.

II. Method of determining tolerance. The tolerance of 10% must be determined by numerical count or not less than one peck nor more than 4 pecks, taken at random from various parts of the lot, except that the tolerance must be determined by numerical count of the entire lot when the lot contains less than one peck.

III. Exception for permittee. The provisions of this section do not apply to the possession of ~~seed-clams-or~~ seed quahogs under authority of a permit, issued by the commissioner, as provided in section 49.

IV. Penalties. Whoever violates the provisions of this section

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shall be punished by the following penalties:

A. For the first offense by a fine of not less than \$10 nor more than \$25, or by imprisonment for not more than 30 days.

B. For the 2nd offense by a fine of not less than \$20 nor more than \$50, or by imprisonment for not more than 30 days.

C. For the 3rd offense by a fine of not less than \$40 and not more than \$100, or by imprisonment of not more than 60 days.

D. For the 4th and subsequent offenses by a fine of \$100, or by imprisonment for not more than 60 days."

Sec. 3. Effective date. This act shall become effective March 1, 1960 and remain in effect until January 1, 1962."

Reported by Committee of Conference.

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