

# MAINE STATE LEGISLATURE

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

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Legislative Document

No. 248

H. P. 177

House of Representatives, January 28, 1959.

Referred to the Committee on Sea and Shore Fisheries. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Winchenpaw of Friendship.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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AN ACT Repealing the Two Inch Clam Law.

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

**R. S., c. 38, § 92, amended.** Section 92 of chapter 38 of the Revised Statutes, as revised, is amended to read as follows:

**‘Sec. 92. Taking of quahogs.** 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 first 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 one 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 one year. ~~Provided, however, that~~ 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 under the provisions of section 39-A. The tolerance of 10% shall be determined by numerical count, or by measure of not less than one peck nor more than 4 pecks, taken at random from various parts of said batch or lot; ~~provided, however, that such.~~ Such tolerance shall be determined by numerical count of the entire batch or lot when said batch or lot is less than one 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~~. **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 one bushel, measurement shall be determined by a container having a capacity of a standard bushel, (2150.42 cu. inches).'