

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 297

H. P. 17 — L. D. 11

AN ACT to Regulate the Taking of Mahogany Quahogs.

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

Sec. 1. 12 MRSA § 6001, sub-§ 24-A is enacted to read:

24-A. Mahogany quahog. “Mahogany quahog” means a marine mollusk, *Artica icelandica*.

Sec. 2. 12 MRSA § 6001, sub-§ 35-A is enacted to read:

35-A. Quahog. “Quahog” means a marine mollusk, *Mercenaria mercenaria*, commonly called hard shelled clams, and *Artica icelandica*, commonly called mahogany quahogs.

Sec. 3. 12 MRSA § 6601, sub-§ 6, as enacted by PL 1977, c. 661, § 5, is repealed and the following enacted in its place:

6. Definition. For the purposes of this subchapter, “shellfish” means clams, quahogs other than mahogany quahogs, oysters and mussels and includes shellstock and shucked shellfish.

Sec. 4. 12 MRSA c. 623, sub-c. II-A is enacted to read:

SUBCHAPTER II-A

QUAHOGS

ARTICLE 1

LICENSES

§ 6731. Mahogany quahogs

1. License required. It is unlawful for any person to engage in the activities authorized under this section without a current scallop license or other license issued under this Part authorizing the activities.

2. Licensed activities. The holder of a scallop license may fish for or take mahogany quahogs or possess, ship or transport within the state limits or sell mahogany quahogs he has taken.

§ 6732. Other quahogs

1. **License required.** It is unlawful for any person to engage in the activities authorized under this section without a current shellfish license or other license issued under this Part authorizing the activities.

2. **Licensed activities.** The holder of a shellfish license may fish for or take quahogs, other than mahogany quahogs, or possess, ship or transport within the state limits or sell quahogs he has taken.

ARTICLE 2

LIMITS ON FISHING

§ 6741. Minimum size

1. **Minimum size.** It is unlawful to take, possess, ship, transport, buy or sell quahogs, other than mahogany quahogs, which are less than 2 inches in the longest diameter.

2. **Tolerance of 10%.** Any person may possess, ship, transport, buy or sell quahogs that are less than 2 inches if they comprise less than 10% of any bulk pile. The 10% tolerance shall be determined by a numerical count of not less than one peck nor more than 5 pecks chosen at random from various parts of the bulk pile. If the lot is less than one peck, the entire lot shall be counted.

§ 6742. Quahog tax

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dealer" means a person who holds a wholesale seafood license, a shellfish transportation license or a shellfish certificate, and who buys quahogs from the harvester and deals in quahogs in the wholesale trade.

B. "Harvester" means a person who takes quahogs from the intertidal zone for commercial purposes.

C. "Landed value" means the price paid to the harvester by the dealer for quahogs taken from the intertidal zone.

2. **Tax.** Each dealer shall pay a tax of 5% of the landed value of all quahogs, except mahogany quahogs, purchased from a harvester.

3. **Tax allocation and Quahog Fund.** All taxes received under this section shall be paid into the Quahog Fund. The Quahog Fund shall be maintained by the commissioner and it shall not lapse. The commissioner may expend the money in the fund for research related to quahogs or the quahog industry, the restoration, development and conservation of the quahog industry, including buying, maintaining and operating boats and equipment for transplanting seed quahogs or for enforcing this section.

4. Inspection. The commissioner or his duly authorized agents shall have free access, ingress and egress at all reasonable hours to any establishment where quahogs are held or to any records required to make a proper inspection.

5. Regulations. The commissioner may adopt or amend regulations necessary to implement this section, including regulations governing the records and reports of purchases, sales and shipments of quahogs and the payment dates for the tax.

§ 6743. Closed areas

1. Taking from closed areas. It is unlawful to fish for or take quahogs, including mahogany quahogs, from any area closed by regulation or to possess, ship, transport or sell quahogs so taken.

2. Washing or holding in closed areas. It is unlawful to wash, hold or keep quahogs in any area closed by regulation or to possess, ship, transport or sell quahogs so washed, held or kept.

3. Exception. This section shall not apply to the taking of quahogs under the authority of section 6856 or to quahogs kept or washed in waters sterilized with a system which has been approved in writing by the commissioner, provided that the waters are also approved for that use.

Effective September 18, 1981

CHAPTER 298

H. P. 701 — L. D. 826

AN ACT to Change Reimbursement to a Municipality for General Assistance Costs.

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

22 MRSA § 4499, first sentence, as amended by PL 1979, c. 382, § 1, is further amended to read:

When a municipality incurs net general assistance costs in any fiscal year in excess of .0003 of that municipality's 1981 state valuation as determined by the State Tax Assessor in the statement filed by him as provided in Title 36, section 381, the Department of Human Services shall reimburse the municipality for 90% of the amount in excess of such expenditures when the department finds that the municipality has been in compliance with all requirements of this chapter.

Effective September 18, 1981