



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 730

---

H.P. 514

House of Representatives, February 28, 2017

### **An Act To Establish Minimum and Maximum Size Limits for Possession of Soft-shelled Clams**

---

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative ALLEY of Beals.  
Cosponsored by Representative McCREIGHT of Harpswell, Senator MAKER of Washington  
and Representatives: ACKLEY of Monmouth, HOGAN of Old Orchard Beach, TUELL of  
East Machias.

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

2       **Sec. 1. 12 MRSA §6681, sub-§1**, as enacted by PL 1983, c. 838, §6, is amended  
3 to read:

4       **1. Purpose.** The Legislature finds that the conservation and wise use of the State's  
5 shellfish resource may be enhanced by a ~~2-inch~~ 1.5-inch minimum and 4-inch maximum  
6 size limit on possession of soft-shell clam shell stock in combination with other  
7 management programs.

8       The Legislature further finds that management programs should be designed to meet local  
9 circumstances as appropriate, but also finds that a minimum and a maximum size limit to  
10 be beneficial must be a uniform standard statewide.

11       The Legislature intends by this Article to enhance the value of the State's shellfish  
12 resource by the institution of uniform standards ~~which~~ that can be implemented and  
13 enforced statewide.

14       **Sec. 2. 12 MRSA §6681, sub-§§3 and 4**, as amended by PL 2003, c. 452, Pt. F,  
15 §18 and affected by Pt. X, §2, are further amended to read:

16       **3. Minimum and maximum size.** A person may not possess soft-shelled clam shell  
17 stock whose shells are less than 2 1.5 inches or greater than 4 inches in the largest  
18 diameter:

19       A. If the soft-shelled clams comprise more than 10% but less than 20% of a bulk pile  
20 as determined under subsection 4;

21       B. If the soft-shelled clams comprise 20% or more of a bulk pile as determined under  
22 subsection 4; or

23       C. If the soft-shelled clams comprise 20% or more of a bulk pile as determined under  
24 subsection 4 and the person has one or more prior convictions for violating paragraph  
25 B. Title 17-A, section 9-A governs the use of prior convictions when determining a  
26 sentence.

27       **4. Tolerance.** Any person may possess soft-shelled clams that are less than 2 1.5  
28 inches or greater than 4 inches if they comprise less than 10% of any bulk pile. The  
29 tolerance is determined by numerical count of not less than one peck nor more than 4  
30 pecks taken at random from various parts of the bulk pile or by a count of the entire pile  
31 if it contains less than one peck.

32       **Sec. 3. 12 MRSA §6681, sub-§6-A**, as amended by PL 1997, c. 628, §2, is  
33 further amended to read:

34       **6-A. Penalty.** A person who violates this article commits a Class D crime. The  
35 following minimum penalties apply:

36       A. For possession of a bulk pile of shellfish of which 20% or more of the shellfish  
37 are smaller than the minimum size or larger than the maximum size established in  
38 subsection 3:

(1) For the first offense, a fine of not less than \$300; and

(2) For subsequent offenses within 10 years from the date of conviction for the first violation, a fine of not less than \$500.

The court may not suspend a fine imposed under this paragraph; and

B. For possession of a bulk pile of shellfish of which more than 10% but less than 20% of the shellfish are smaller than the minimum size or larger than the maximum size established in subsection 3, a fine of not less than \$100 and not more than \$1,000.

## SUMMARY

This bill amends the laws regarding the size limit of soft-shelled clams. It decreases the minimum size from 2 inches to 1.5 inches and sets a maximum size of 4 inches.