

Date:

(Filing No. H- )

## MARINE RESOURCES

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 28, L.D. 64, “An Act to Eliminate the Cultchless American Oyster Growers License”

Amend the bill by striking out all of section 1 and inserting the following:

**'Sec. 1. 12 MRSA §6073, sub-§2-A,** as enacted by PL 1991, c. 876, §1, is repealed and the following enacted in its place:

**2-A. Cultchless American oysters; possession and tolerance.** A person may not take, possess or sell American oysters when 20% or more of a bulk pile is composed of cultchless American oysters, except that:

A. A person may take, possess or sell American oysters when 20% or more of a bulk pile is composed of cultchless American oysters if those oysters were legally taken under a municipal shellfish conservation ordinance authorized under section 6671 that includes regulation of American oysters and for which a transplant permit has been issued by the department;

B. A person who is licensed under section 6810-B may take, possess or sell cultchless American oysters when 20% or more of a bulk pile is composed of cultchless American oysters if those oysters are legally taken from an aquaculture lease or license site authorized under section 6072, 6072-A, 6072-B or 6072-C; and

C. A person who is licensed under section 6851 or 6852 may possess, buy and sell cultchless American oysters when 20% or more of a bulk pile is composed of cultchless American oysters.

This subsection does not apply to a person who holds a current aquaculture lease or license site authorized under section 6072, 6072-A, 6072-B or 6072-C, as long as the person is engaged in activity authorized under those sections.

The tolerance described under this subsection is determined by numerical count of not less than one peck nor more than 4 pecks taken at random from various parts of the bulk pile or by a count of the entire pile if it contains less than one peck.'

Amend the bill by striking out all of section 2.

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
2 number to read consecutively.

3 **SUMMARY**

4 This amendment specifies that a person may not take, possess or sell cultchless  
5 American oysters when more than 20% of a bulk pile is composed of cultchless American  
6 oysters and establishes a limited number of exceptions to the 20% tolerance. The  
7 amendment also retains a penalty provision in law that was repealed by the bill.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**