

# Basis Statement

## Chapter 49 - Shellfish Bait ~~Permit~~ Regulations

These regulations impact persons who hold a shellfish bait permit and recreational saltwater dealers who deal in the commerce of non-consumable marine mollusks and or shellfish bait. New sources of bait are coming into Maine that is not in compliance with the control of bait products and the certification of the State's National Shellfish Sanitation Program (NSSP). The regulations provide the mechanism allow recreational saltwater bait dealers to provide non-consumable marine mollusks and or shellfish bait and maintain compliance with the NSSP.

## Summary of Comments

### Chapter 49 - Shellfish Bait ~~Permit~~ Regulations

A public hearing was held March 3, 2009 at the Department of Marine Resources in West Boothbay Harbor. No persons from the public attended the hearing and no written comments were received.

#### DEPARTMENT OF MARINE RESOURCES

#### Chapter 49 - Shellfish Bait ~~Permit~~ Regulations

#### 49.01 Harvester Permit:

1. A permit is required to engage in the shellfish bait fishery. A permit may be obtained by applying in writing to the Commissioner. The application must contain the following information:
  - A1. Name and address of applicant
  - B2. Names of crew
  - C3. Vessel name and description
  - D4. Type of harvesting gear proposed
  - E5. Proposed areas of harvest
2. Harvester Permit Restrictions:
  - A1. Crew members must possess valid commercial shellfish ~~license's~~ licenses issued under [12 M.R.S.A. §6601](#).
  - B2. Catch must be landed and distributed according to permit restrictions.
  - C3. Catch may not be sold to certified shellfish dealers.
  - D4. It shall be illegal for certified shellfish dealers to possess shellfish that is for bait only.
3. Reporting: See Chapter 8.20(J) Landings Program
4. Area and/or Season Restrictions:
  - A1. Fishing is allowed only in closed areas specifically described on the permit.
  - B2. Fishing can occur only during daylight hours.
  - C3. No fishing will be allowed in areas classified as approved (open areas).
5. Species Restriction:
  - A1. The permit authorizes the harvest of surf clams (*Spisula solidissima*) only.
6. Limitations:
  - A1. Clams must be shucked and dyed on the vessel. All containers of shucked product must be dyed before they are landed. The die must discolor the shucked product in a manner that distinguishes it from certified shellfish for human consumption.
  - B2. All containers must be labeled at sea with red tags stating –BAIT CLAMS ONLY - NOT FOR HUMAN CONSUMPTION.

#### 49.05 Bait Dealer Regulations

Marine mollusks, including shucked shellfish, may be bought, possessed, transported and sold strictly as bait in Maine under the following conditions:

1. Labeling

All shucked shellfish bought, possessed, transported and sold as bait must be labeled in the following manner: "WARNING-BAIT CLAMS ONLY (NOT FOR HUMAN CONSUMPTION)". This warning must be placed on the container in plain view in a type size as large as the largest type of the label.

2. Limitations

A. All bait shellfish must contain dye that discolours it in a manner that distinguishes it from certified shucked shellfish suitable for human consumption.

B. It shall be illegal for persons who are certified dealers in accordance with 12 MRSA §6856 to possess shellfish that is for bait only.

C. It shall be illegal for bait shellfish to be kept in the same cooler or display case as food for human consumption.

3. Reporting: See Chapter 8.05 and 8.10 Landings Program.

4. No shellfish bait permit will be required to buy, possess, transport and sell bait shellfish as long as this rule is adhered to.