

DEPARTMENT OF MARINE RESOURCES - SHELLFISH HARVESTING

CHAPTER 14 -OYSTERS

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DEPARTMENT OF MARINE RESOURCES

Chapter 14 - Oyster Regulations

14.01 Definitions

- A. "European oyster" means animals of the species *Ostrea edulis*.
- B. "American oyster" means animals of the species *Crassostrea virginica*.

14.10 European Oyster Harvesting Restrictions

A. Closed Season

It shall be unlawful to take, possess, ship, transport, buy or sell European oysters from June 15 to September 15 of any year.

1. Exceptions

Persons holding an aquaculture lease issued pursuant to 12 M.R.S.A. §6072, §6072-A or §6072-B, as provided in §6073-A, and persons holding a limited-purpose aquaculture (LPA) license pursuant to 12 M.R.S.A. §6072-C, may harvest European oysters from an aquaculture site from June 15 to September 15 of any year. Transportation, buying or selling must be done in accordance with Chapters 9, 24 and 94.

A person shall not be in violation of Chapter 14.10(A) if they are in possession of a bill of lading for the amount of European oysters purchased from June 15 to September 15 of any year showing those oysters were lawfully obtained from an origin outside the State of Maine and possess any applicable license and permit in accordance with Chapter 24.

B. Minimum size

It shall be unlawful to take, possess, ship, transport, buy or sell European oysters whose shells are less than 3 inches in the longest diameter.

1. Tolerance

Any person may possess European oysters that are less than 3 inches if they comprise less than 10% of any bulk pile. The tolerance 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.

2. Exceptions

European oysters of smaller size may be taken or possessed by persons holding an aquaculture lease issued pursuant to 12 M.R.S.A. §6072, §6072-A, or §6072-B, as provided by §6073-A, or persons holding a limited-purpose aquaculture (LPA) license issued pursuant to 12 M.R.S.A. §6072-C. Transportation, buying or selling and sanitation requirements must be done in accordance with Chapters 9, 24 and 94. This exception shall only apply to European oysters cultivated in the leased or licensed areas.

C. Compliance

Persons must comply with DMR regulations in Chapters 9, 24 and 94.

14.30 American Oyster Harvesting Restrictions

A. Minimum Size

It shall be unlawful to take, possess, ship, transport, buy or sell American oysters whose shells are less than 2.5 inches in the longest diameter.

1. Tolerance

Any person may possess American oysters that are less than 2.5 inches if they comprise less than 10% of any bulk pile. The tolerance 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.

2. Exception

American oysters of smaller size may be taken or possessed by persons holding an aquaculture lease issued pursuant to 12 MRS §6072, §6072-A, or §6072-B, as provided by §6073-A or persons holding a limited purpose aquaculture (LPA) license issued pursuant to 12 MRS §6072-C. Transportation, buying or selling and sanitation requirements must be done in accordance with Chapters 9, 24 and 94. This exception shall only apply to American oysters cultivated in the leased or licensed areas.

14.40 Criteria for Issuing a Cultchless American Oyster License.

- A. The Commissioner of the Department of Marine Resources may issue a license to grow and possess cultchless American oysters to the following:
 1. Any person, firm, or corporation holding a valid aquaculture lease from the Department of Marine Resources for the purpose of growing cultchless American oysters; or
 2. Any person, firm, or corporation who provides a bill of sale for seed American oysters, and other evidence satisfactory to the Commissioner proving an intent to grow cultchless American oysters in coastal waters.
- B. Any person, firm or corporation who is issued a license under this section shall be subject to all other marine resources laws and regulations that apply to the license holder activities.

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