

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1218

H.P. 909

House of Representatives, March 22, 2011

An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CHASE of Wells.
Cosponsored by Senator HILL of York and
Representatives: BENNETT of Kennebunk, GILLWAY of Searsport, HOGAN of Old Orchard
Beach, McKANE of Newcastle, MOULTON of York, PARRY of Arundel, WEAVER of
York, Senator: COLLINS of York.

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

2 **Sec. 1. 12 MRSA §6177** is enacted to read:

3 **§6177. Recreational flats**

4 **1. Prohibition.** A person may not harvest for commercial use shellfish from areas
5 that are established only for noncommercial shellfish harvesting, referred to in this
6 section as "recreational flats."

7 **2. Rules.** The commissioner shall adopt rules to implement this section. The rules
8 must establish standards for the harvesting of shellfish in recreational flats and prohibit
9 commercial use of shellfish harvested from recreational flats. Rules adopted under this
10 subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

11 **3. Violation.** A person may not harvest shellfish from a recreational flat or possess
12 or sell shellfish harvested from a recreational flat in violation of this section. A person
13 who violates this subsection commits a civil violation for which a fine of not less than
14 \$100 nor more than \$500 may be adjudged.

15 **SUMMARY**

16 This bill prohibits the commercial harvesting and commercial use of shellfish from
17 areas that are established only for noncommercial shellfish harvesting, directs the
18 Commissioner of Marine Resources to adopt rules to prohibit the commercial harvesting
19 and commercial use of shellfish from recreational flats where only noncommercial
20 shellfish harvesting is allowed and enacts a penalty for violations.