

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1452

S.P. 536

In Senate, April 25, 2013

**An Act To Allow Municipalities with Shellfish Conservation
Ordinances To Request Permission To Prohibit Marine Worm
Harvesting**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative PRIEST of Brunswick and
Senators: CRAVEN of Androscoggin, HASKELL of Cumberland, JOHNSON of Lincoln,
SAVIELLO of Franklin, Representatives: BROOKS of Winterport, GIDEON of Freeport,
KAENRATH of South Portland, SAXTON of Harpswell.

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

2 **Sec. 1. 12 MRSA §6671, sub-§13** is enacted to read:

3 **13. Intertidal marine worm harvesting.** A municipality that meets the criteria of
4 subsection 4-B may request the commissioner to prohibit marine worm harvesting within
5 an area closed through a shellfish conservation ordinance pursuant to subsection 3,
6 paragraph A.

7 A. A municipality must apply to the department to request a prohibition on marine
8 worm harvesting. The application must include the following:

9 (1) A cover letter that identifies the proposed closed area;

10 (2) A map including global positioning system coordinates indicating the
11 location of the closed area;

12 (3) A shellfish density survey when requested by the department; and

13 (4) A plan of action for closure notification to the public.

14 B. A person who harvests or is in possession of marine worms from an area closed
15 pursuant to this subsection commits a civil violation.

16 (1) A person who violates this paragraph commits a civil violation for which a
17 fine of \$300 may be adjudged.

18 (2) A person who violates this paragraph after having been previously
19 adjudicated as violating this paragraph commits a civil violation for which a fine
20 of \$500 may be adjudged.

21 (3) A person who violates this paragraph after having been previously
22 adjudicated as violating this paragraph 2 or more times commits a civil violation
23 for which a fine of \$1,000 may be adjudged.

24 **Sec. 2. 12 MRSA §6751, sub-§2**, as amended by PL 2001, c. 421, Pt. B, §49 and
25 affected by Pt. C, §1, is further amended to read:

26 **2. Licensed activity.** The holder of a marine worm digger's license may fish for or
27 take marine worms or possess, ship, transport or sell within the State worms the licensee
28 has taken. This license does not authorize the license holder to fish for or take marine
29 worms or possess, ship, transport or sell within the State worms from an area closed
30 through a shellfish conservation ordinance pursuant to section 6671, subsection 3,
31 paragraph A closed to marine worm harvesting pursuant to section 6671, subsection 13.

32 **Sec. 3. 12 MRSA §6752**, as enacted by PL 1977, c. 661, §5, is amended to read:

33 **§6752. Exception for personal use**

34 Any person may take or possess not more than ~~425~~ 50 marine worms in any one day
35 for personal use without a marine worm digger's license or a marine worm dealer's
36 license. A person may not take or possess marine worms for personal use from shellfish

1 conservation areas closed to marine worm harvesting pursuant to section 6671, subsection
2 13.

3

SUMMARY

4 This bill allows a municipality with a shellfish conservation ordinance to apply to the
5 Department of Marine Resources to request a prohibition on marine worm harvesting. It
6 also makes it a civil violation to harvest marine worms from areas closed to the harvest
7 and possession of marine worms.