

MAINE STATE LEGISLATURE

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Date: 4/14/15

(Filing No. S- 40)

MARINE RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 164, L.D. 435, Bill, "An Act To Extend the Protection of Municipal Shellfish Conservation Programs"

Amend the bill in the 6th indented paragraph after the title in the last line (page 1, line 16 in L.D.) by striking out the following: "expire" and inserting the following: 'expired'

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting the following:

'Sec. 1. 12 MRSA §6671, sub-§10-D is enacted to read:

10-D. Prohibition. A person may not fish for or take any marine organism from within a predator control project area that has been approved by the commissioner as part of a municipal predator control project, except that the municipality may remove green crabs from within the predator control project area. A person who violates this subsection commits a civil violation for which a fine of not less than \$300 and not more than \$1,000 may be adjudged.

This subsection is repealed November 1, 2016.

Sec. 2. Extension of municipal predator control pilot project.

1. Extension of pilot projects authorized. The Commissioner of Marine Resources, referred to in this section as "the commissioner," may authorize the extension of municipal predator control pilot projects created pursuant to Public Law 2013, chapter 517 for the purpose of determining the effectiveness of predator control in increasing the survival rate of soft shell clams for a period not to extend beyond November 1, 2016. A municipality shall submit its request for an extension of the municipality's predator control pilot project on forms provided by the Department of Marine Resources. The area encompassed by a municipality's request for extension of a predator control pilot project may not include any area that was not previously approved by the commissioner for that municipality's predator control pilot project in 2014.

COMMITTEE AMENDMENT

ROFS

1 **2. Evaluation of request for extension.** The commissioner may approve an
2 extension of one or more of the predator control pilot projects authorized in 2014 in the
3 towns of Brunswick, Freeport, Harpswell and West Bath. An extension may be granted
4 solely for the purpose of further evaluating or developing predator controls. In making a
5 determination whether to authorize extension of a predator control pilot project, the
6 commissioner shall consider whether the project will measure the survival of soft shell
7 clam seed after the 2014 predator control pilot projects, whether the project will explore
8 continued predator control methods and whether the project will investigate control
9 methods for predators other than green crabs. A municipality shall indicate when an
10 extended predator control pilot project will terminate; however, in no event may a
11 predator control pilot project continue beyond November 1, 2016.

12 **3. Prohibition on seeding in extended pilot projects.** A predator control pilot
13 project authorized for extension under this section may not enhance the predator control
14 project area with hatchery stock or transplants of wild seed during the period of the
15 extension.

16 **4. Marking.** A municipality with a predator control pilot project authorized for
17 extension under this section shall clearly mark the boundaries of the predator control
18 project area with uniform marking approved by the Department of Marine Resources and
19 post signs that include the words "approved predator control project" and "no harvesting
20 of marine organisms is allowed within these boundaries."

21 **5. Maintenance of predator control gear.** A municipality shall maintain all gear
22 approved as part of a predator control pilot project in good working condition. In a
23 request to the commissioner for an extension of a predator control pilot project under this
24 section, the municipality shall provide a weekly maintenance plan. The commissioner
25 may terminate the municipality's predator control pilot project and order the removal of all
26 gear if the commissioner determines that the municipality has failed to follow the
27 maintenance plan provided under this subsection.

28 **6. Notice.** A municipality with a predator control pilot project authorized for
29 extension under this section shall provide adequate public notice to harvesters of soft
30 shell clams and marine worms of the areas that have been closed to harvesting. This
31 notice must include, but is not limited to, notice in local newspapers and on publicly
32 accessible websites of the municipality, copies mailed to all marine worm dealers and
33 signs posted at water access sites.

34 **7. Report.** A municipality with a predator control pilot project authorized for
35 extension under this section shall provide a written report and oral presentation of
36 activities and results to the Department of Marine Resources no later than January 31,
37 2017 and shall participate in a workshop related to the requirements of this section that is
38 sponsored by the department.

39 **SUMMARY**

40 This amendment enacts a provision of law with substantially the same language as a
41 law that was repealed on February 28, 2015, which prohibited the harvesting of marine
42 organisms from within a municipal predator control project area, except for municipal
43 removal of green crabs. The provision of law has a repeal date of November 1, 2016.

COMMITTEE AMENDMENT

1 The amendment also provides that the Commissioner of Marine Resources may authorize
2 an extension of predator control pilot projects begun by the towns of Freeport,
3 Brunswick, Harpswell and West Bath in 2014, although the projects may continue only
4 until November 1, 2016. The amendment requires towns with an extended predator
5 control pilot project to report the results of the project to the Department of Marine
6 Resources by January 31, 2017.

7 **FISCAL NOTE REQUIRED**

8 (See attached)



127th MAINE LEGISLATURE

LD 435

LR 1137(02)

An Act To Extend the Protection of Municipal Shellfish Conservation Programs

Fiscal Note for Bill as Amended by Committee Amendment "A" (5-40)
Committee: Marine Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Any additional costs to the Department of Marine Resources for authorizing the continuation of certain municipal predator control pilot projects are expected to be minor and can be absorbed within existing budgeted resources.