

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

5/11/17
R. 47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: 4/14/17 Minority

L.D. 370
(Filing No. H-47)

MARINE RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 276, L.D. 370, Bill, "An Act To Improve Productivity in Authorized Municipal Shellfish Conservation Areas with Predation Protection Measures in Place"

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

'Sec. 1. 12 MRSA §6671, sub-§3, as amended by PL 2007, c. 494, §1, is further amended to read:

3. Shellfish conservation ordinance. The following provisions govern a shellfish conservation ordinance.

A. Within any area of the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions; ~~and~~
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program; ~~and~~
- (6) In accordance with paragraph D, prohibit harvesting any marine organism in a buffer zone around netting placed to provide for protection from shellfish predators pursuant to subparagraph (3).

B. An ordinance must limit the size of soft-shell clams in accordance with article 5.

C. Except as provided in section 6621, subsection 3, paragraph C, a program or ordinance may not allow surveying, sampling or harvesting of shellfish in areas closed by regulation of the commissioner.

COMMITTEE AMENDMENT

1
2
3
4

5
6
7
8
9
10
11
12

D. A buffer zone established pursuant to paragraph A, subparagraph (6) may not exceed 5 feet between any 2 nets and may not exceed 20 feet beyond the outermost perimeter of a net or multiple nets when those nets are placed within 5 feet of each other.'

SUMMARY

This amendment replaces the bill, which allows municipalities to designate conservation areas where harvesting any marine organism is prohibited. The amendment instead provides that a municipal shellfish ordinance may prohibit harvesting any marine organism in a buffer zone around netting placed for protection from shellfish predators, as long as the buffer zone does not exceed 5 feet between any 2 nets and 20 feet around the outermost perimeter of a net or multiple nets when those nets are placed within 5 feet of each other.

FISCAL NOTE REQUIRED
(See Attached)



128th MAINE LEGISLATURE

LD 370

LR 365(02)

**An Act To Improve Productivity in Authorized Municipal Shellfish Conservation Areas with
Predation Protection Measures in Place**

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-47)

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor increase in fine revenue to municipalities

Correctional and Judicial Impact Statements

Establishes new Class D crimes.

Violations will increase fine revenue to municipalities by minor amounts.