

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 370

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H.P. 276

House of Representatives, February 2, 2017

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

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: ALLEY of Beals, BEEBE-CENTER of Rockland, BLUME of York, SPEAR  
of South Thomaston, SYLVESTER of Portland, TUELL of East Machias, Senators: CARSON  
of Cumberland, VITELLI of Sagadahoc.

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

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

4 **3. Shellfish conservation ordinance.** The following provisions govern a shellfish  
5 conservation ordinance.

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

- 7 (1) Regulate or prohibit the possession of shellfish;
- 8 (2) Fix the amount of shellfish that may be taken;
- 9 (3) Provide for protection from shellfish predators;
- 10 (4) Authorize the municipal officials to open and close flats under specified  
11 conditions; ~~and~~
- 12 (5) Specify areas of the intertidal zone in which the dragging of mussels may be  
13 limited to the degree necessary to support a municipal shellfish conservation  
14 program; and
- 15 (6) In accordance with paragraph D, designate shellfish conservation areas where  
16 harvesting any marine organism is prohibited.

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

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

21 D. A municipality may designate a shellfish conservation area where harvesting any  
22 marine organism is prohibited only when the conservation area surrounds protective  
23 netting, fencing, traps or other gear placed by the municipality in the intertidal zone  
24 to enhance the shellfish resource and provide protection from shellfish predators  
25 pursuant to subsection 10-B. A designated conservation area where harvesting any  
26 marine organism is prohibited must be clearly marked with signs that identify the  
27 municipality that has designated the area and indicate the purpose of the area.

28 **Sec. 2. 12 MRSA §6671, sub-§10, ¶A**, as amended by PL 2005, c. 171, §2, is  
29 further amended to read:

30 A. For harvesting ~~shellfish~~ any marine organism from an area closed for  
31 ~~conservation purposes~~ pursuant to a municipal shellfish conservation ordinance:

- 32 (1) For the first offense by a commercial license holder, a fine of not less than  
33 \$300;
- 34 (2) For subsequent offenses by a commercial license holder, a fine of not less  
35 than \$500 and not more than \$1,500;
- 36 (3) For the first offense by a recreational license holder, a fine of not less than  
37 \$100; ~~and~~

- 1 (4) For subsequent offenses by a recreational license holder, a fine of not less  
2 than \$100 and not more than \$500; ~~or~~ and  
3 (5) For an offense by a person who does not hold a municipal shellfish license, a  
4 fine of not less than \$500 and not more than \$1,500; or

5 **SUMMARY**

6 This bill allows a municipality to designate in its municipal shellfish conservation  
7 ordinance conservation areas that surround protective netting, fencing, traps or other gear  
8 placed by the municipality in the intertidal zone where harvesting any marine organism is  
9 prohibited. The designated conservation area must be clearly marked with signs that  
10 identify the municipality that designated the area and indicate the purpose of the  
11 designated area. Current law imposes certain fines upon municipal shellfish license  
12 holders who harvest shellfish from an area closed for conservation purposes. This bill  
13 amends that provision to impose certain fines on municipal shellfish license holders and  
14 nonlicense holders who harvest any marine organism from an area closed pursuant to a  
15 municipal shellfish conservation ordinance.