

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 431

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H.P. 311

House of Representatives, February 7, 2017

**An Act To Ensure Participation and Equity in the Shellfish  
Depuration Certification and Compensation Process for  
Municipalities**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: ALLEY of Beals, BLUME of York, DEVIN of Newcastle, RYKERSON of  
Kittery, TERRY of Gorham, TUCKER of Brunswick, Senators: MIRAMANT of Knox,  
VITELLI of Sagadahoc.

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

2 **Sec. 1. 12 MRSA §6856, sub-§3-D, ¶A-1** is enacted to read:

3 A-1. When the commissioner determines that a municipal area is appropriate for  
4 deputation certification under this subsection, the commissioner shall, at least 3  
5 working days prior to granting the deputation certificate to the wholesale seafood  
6 license holder, provide a copy of the deputation certificate application to the  
7 municipality, to the marine warden or wardens assigned to the municipality and, if a  
8 municipal shellfish management committee has been established pursuant to section  
9 6671, subsection 2, to the municipal shellfish management committee.

10 **Sec. 2. 12 MRSA §6856, sub-§3-D, ¶B,** as enacted by PL 2011, c. 175, §5, is  
11 amended to read:

12 B. In conducting deputation harvesting activities under this subsection, a person  
13 holding a deputation certificate shall engage commercial harvesters holding valid  
14 municipal and state commercial shellfish licenses. If there are insufficient  
15 municipally licensed commercial shellfish harvesters, the deputation certificate  
16 holder may supplement with other commercial shellfish harvesters licensed in the  
17 State. When a deputation certificate is granted under this section, the deputation  
18 certificate holder shall notify the municipality, the marine warden or wardens  
19 assigned to that municipality and the municipally licensed commercial shellfish  
20 harvesters in the municipality in which deputation is to be conducted of the date of  
21 deputation harvesting with a minimum of 48 hours' notice. Notification must include  
22 posting at the municipality's municipal offices. Notification must include a clear  
23 delineation of the area in which the deputation is to be conducted, the time of the  
24 harvest and contact information for the deputation certificate holder. The deputation  
25 certificate holder shall hire and pay the municipally licensed commercial shellfish  
26 harvesters at the same rate as any other licensed harvesters hired for the activity.

27 **Sec. 3. 12 MRSA §6856, sub-§3-D, ¶D,** as enacted by PL 2011, c. 175, §5, is  
28 amended to read:

29 D. A deputation certificate holder shall pay each municipality an amount equal to  
30 ~~50¢~~ 25% of the current market value for each bushel of soft-shelled clams taken in  
31 that municipality under the deputation certificate. When submitting payment to a  
32 municipality under this paragraph, the deputation certificate holder shall include a  
33 summary of reports submitted to the department pursuant to rules adopted under  
34 subsection 4.

35 **Sec. 4. 12 MRSA §6856, sub-§3-D, ¶E** is enacted to read:

36 E. A deputation certificate holder found by the department to be in noncompliance  
37 with any provision of this subsection is prohibited from engaging in deputation  
38 activities under this subsection for a period of one year from the date of the  
39 department's finding.

1

**SUMMARY**

2           This bill amends the laws concerning the shellfish depuration harvesting process to  
3 clarify communication between the Department of Marine Resources, municipalities,  
4 depuration certificate applicants and holders and licensed commercial shellfish harvesters  
5 during the certification process. It also raises the rate of reimbursement paid to the  
6 municipality by the depuration certificate holder from 50¢ for each bushel of soft-shelled  
7 clams to 25% of the current market value for each bushel. The bill establishes a penalty  
8 for noncompliance with any provision of the law regulating the soft-shelled clam  
9 depuration harvesting process; depuration certificate holder found by the department to  
10 be in noncompliance is prohibited from engaging in depuration activities under this  
11 subsection for a period of one year from the date of the department's finding.