

# 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 electronic originals  
(may include minor formatting differences from printed original)



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

---

Legislative Document

No. 539

---

H.P. 383

House of Representatives, February 9, 2017

**An Act To Allow Municipalities To Establish Shellfish Conservation  
Areas**

---

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 SPEAR of South Thomaston.  
Cosponsored by Senator MIRAMANT of Knox and  
Representatives: McCREIGHT of Harpswell, RYKERSON of Kittery.

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

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

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

15 **Sec. 2. 12 MRSA §6671, sub-§3, ¶D** is enacted to read:

16 D. A municipality or a regional shellfish management committee established  
17 pursuant to subsection 7 may designate conservation areas where harvesting any  
18 marine organism is prohibited that do not exceed, in aggregate, 10% of the total  
19 harvestable area in the intertidal zone. A designated conservation area where  
20 harvesting any marine organism is prohibited must be clearly marked with signs that  
21 identify the municipality or regional shellfish management committee that designated  
22 the area and indicate the purpose of the area.

23 **SUMMARY**

24 This bill allows municipalities or regional shellfish management committees to  
25 designate conservation areas where harvesting any marine organism is prohibited. In  
26 aggregate the conservation areas may not exceed 10% of the total harvestable area in the  
27 intertidal zone. A designated conservation area must be clearly marked with signs that  
28 identify the municipality or regional shellfish management committee that designated the  
29 area and indicate the purpose of the area.