

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 646

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H.P. 460

House of Representatives, February 28, 2017

### **An Act Regarding Municipal and Regional Shellfish Management Programs**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
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 SIMMONS of Waldoboro.  
Cosponsored by Representatives: PIERCE of Dresden, SUTTON of Warren.

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~~ in the intertidal zone within the municipality, a shellfish  
5 conservation ordinance may:

- 6 (1) Regulate or prohibit the possession of shellfish;
- 7 (2) Fix the amount of shellfish that may be taken;
- 8 (3) Provide for protection from shellfish predators;
- 9 (4) Authorize the municipal officials to open and close flats under specified  
10 conditions; ~~and~~
- 11 (5) Specify areas of the intertidal zone in which the dragging of mussels may be  
12 limited to the degree necessary to support a municipal shellfish conservation  
13 program; and
- 14 (6) Authorize regional shellfish management programs to undertake any  
15 additional powers granted by the commissioner pursuant to subsection 7.

16 **Sec. 2. 12 MRSA §6671, sub-§7,** as amended by PL 2001, c. 188, §7, is further  
17 amended to read:

18 **7. Joint programs; reciprocal privileges.** Municipalities may enter into regional  
19 shellfish management agreements with other municipalities and adopt regional shellfish  
20 management programs. The agreements, and the programs and ordinances adopted under  
21 them, are subject to the same requirements as municipal programs and ordinances. In  
22 addition to the powers granted to municipal shellfish management programs, the  
23 commissioner may grant regional shellfish management programs other powers.  
24 Resident privileges of one municipality in a regional shellfish management agreement  
25 may be extended to the residents of other municipalities in the agreement. A regional  
26 shellfish management committee comprised of at least one resident from each  
27 municipality named in the regional agreement may be established to administer a regional  
28 program.

29 **SUMMARY**

30 This bill limits the authority of a shellfish conservation ordinance to the intertidal  
31 zone within a municipality. It also allows the Commissioner of Marine Resources to  
32 grant regional shellfish management programs additional powers beyond those powers  
33 granted to municipal shellfish management programs.