

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1519

H.P. 1043

House of Representatives, April 25, 2017

**An Act To Define the Intertidal Zone for the Management and
Enforcement of Shellfish Conservation Ordinances**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 DEVIN of Newcastle.
Cosponsored by Senator VITELLI of Sagadahoc and
Representatives: ALLEY of Beals, BLUME of York, Speaker GIDEON of Freeport,
HUBBELL of Bar Harbor, KUMIEGA of Deer Isle, McCREIGHT of Harpswell, SIMMONS
of Waldoboro, SPEAR of South Thomaston.

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 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.

14 **Sec. 2. 12 MRSA §6671,** as amended by PL 2013, c. 301, §14; c. 468, §31; and c.
15 517, §1, is further amended by adding at the end a new paragraph to read:

16 For the purposes of this section, "intertidal zone" means the shores, flats or other land
17 between the high-water mark and the extreme low-water mark.

18 **SUMMARY**

19 This bill amends the law regarding municipal shellfish conservation programs to
20 clarify that the intertidal zone extends from the high-water mark to the extreme low-water
21 mark and that the shellfish conservation ordinances apply only within the intertidal zones
22 of municipalities.